FEDERAL REGISTER

VOLUME 6 NUMBER 214

Washington, Saturday, November 1, 1941

The President

EXECUTIVE ORDER

WHEREAS on the 27th day of May, 1941,[1] a Presidential proclamation was issued, declaring an unlimited national emergency and calling upon all loyal citizens in production for defense to give precedence to the needs of the Nation to the end that a system of government which makes private enterprise possible may survive; and calling upon our loyal workmen and employers to merge their lesser differences in the larger effort to insure the survival of the only kind of government which recognizes the rights of labor or of capital, and calling upon all loyal citizens to place the Nation's needs first in mind and in action to the end that we may mobilize and have ready for instant defensive use, all of the physical powers, all of the moral strength and all of the material resources of the Nation; and

WHEREAS, Air Associates, Incorporated, has contracted to furnish the United States and its contractors with parts and equipment necessary for the production of military aircraft vital to the defense of the United States and such parts and equipment have been in the course of manufacture at the Bendix, New Jersey, plants of said company, and the United States owns facilities there situated; and

WHEREAS, a controversy arose concerning the terms and conditions of employment between said company and its workers which they have been unable to adjust by collective bargaining and the controversy was duly certified to the National Defense Mediation Board established by Executive Order of March 19, 1941;[2] and whereas production was interrupted at said plants during the course of mediation before said Board by a strike and the Board, pending further mediation, recommended that the workers call off the strike and the company return all strikers upon application to their former jobs without discrimination, and whereas the workers affected, through their representatives, have accepted but the company has failed to carry out the Board's recommendation; and

WHEREAS, due to such failure on the part of the Company, production has now been impaired and complete cessation of production is now imminent at said plants and the objectives of said proclamation of May 27, 1941, are thereby jeopardized and it is essential to the defense of the United States that normal production be assured and cessation averted; and

WHEREAS, for the time being and under the circumstances set forth, it is essential in order that full production at said plants be assured, that the plants be operated by or for the United States in such manner as may be expedient:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, pursuant to the powers vested in me by the Constitution and laws of the United States, as President of the United States and Commander-in-Chief of the Army and Navy of the United States, hereby authorize and direct the Secretary of War immediately, in so far as may be necessary or desirable, to take possession of and operate the Bendix, New Jersey, plants of Air Associates, Incorporated, through and with the aid of such person or persons or instrumentality as he may designate, and to produce the military airplane parts and equipment called for by the company's contracts or as may be otherwise required for the national defense, and do all things necessary or incidental to that end. The Secretary of War shall employ or authorize the employment of such employees, including a competent civilian advisor on industrial relations, as are necessary to carry out the provisions of this order, and, in furtherance of the purposes of this order, the Secretary of War may exercise any existing contractual or other rights of said company, or take such other steps as may be necessary or desirable including the use of troops.

Possession and operation hereunder shall be terminated by the President as soon as he determines that such posses-

[1] 6 F.R. 2617.
[2] 6 F.R. 1532.

CONTENTS

(Continued on next page)

FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following legal holidays by the Division of the Federal Register, The National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500), under regulations prescribed by the Administrative Committee, approved by the President.

The Administrative Committee consists of the Archivist or Acting Archivist, an officer of the Department of Justice designated by the Attorney General, and the Public Printer or Acting Public Printer.

The daily issue of the FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.25 per month or $12.50 per year; single copies 10 cents each; payable in advance. Remit money order payable to the Superintendent of Documents directly to the Government Printing Office, Washington, D. C.

CONTENTS—Continued

NOTICES

CONTENTS—Continued

sion and operation are no longer required in the interests of national defense.

FRANKLIN D ROOSEVELT

The WHITE HOUSE,
October 30, 1941.

[No. 8928]

[F. R. Doc. 41-8205; Filed, October 31, 1941; 12:35 p. m.]

Rules, Regulations, Orders

TITLE 8—ALIENS AND NATIONALITY

CHAPTER I—IMMIGRATION AND NATURALIZATION SERVICE

[First Supp. to Gen. Order No. C-34]

PART 116—CIVIL AIR NAVIGATION

CHANGE IN EFFECTIVE DATE OF AIR COMMERCE REGULATIONS

OCTOBER 31, 1941.

It is hereby ordered that wherever the date, November 1, 1941, appears in General Order No. C-34, which was published in the FEDERAL REGISTER for September 3, 1941 (6 F.R. 4514), said date shall be changed to January 1, 1942. (Sec. 1, Reorg. Plan No. V, 5 F.R. 2132, 2223; R.S. 161, 5 U.S.C. 22; sec. 23, 39 Stat. 892, 8 U.S.C. 102; sec. 24, 43 Stat. 166, 8 U.S.C. 222; secs. 7 (d), 11 (b), 11 (c), 44 Stat. 572, 574, 575, 48 Stat. 1116, 52 Stat. 1029, 49 U.S.C. 177 (d), 181 (b), 181 (c); 8 CFR 90.1)

[SEAL] LEMUEL B. SCHOFIELD,
Special Assistant to the Attorney General in charge Immigration and Naturalization Service.

Approved:

FRANCIS BIDDLE,
Attorney General.

[F. R. Doc. 41-8190; Filed, October 31, 1941; 11:39 a. m.]

TITLE 10—ARMY: WAR DEPARTMENT

CHAPTER VIII—PROCUREMENT AND DISPOSAL OF EQUIPMENT AND SUPPLIES

PART 81—PROCUREMENT OF MILITARY SUPPLIES AND ANIMALS [1]

§ 81.24 *Bid bonds*—(a) *When required.*

* * * * *

(3) *Exception.* The customary stipulations concerning guaranty and bonds as set forth in Standard Form No. 22 (Instructions to Bidders) will be included in invitations for bids for lump sum construction contracts. (20 Stat. 36, 22 Stat. 487; 5 U.S.C. 218) [Par. 8, AR 5-220, Aug. 7, 1940, as amended by Proc. Cir. 79, W.D., Oct. 16, 1941]

* * * * *

[SEAL] E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 41-8172; Filed, October 31, 1941; 9:49 a. m.]

[1] § 81.24 (a) (3) is added.

TITLE 14—CIVIL AVIATION

CHAPTER I—CIVIL AERONAUTICS BOARD

[Amend. 60-22, Civ. Air Regs.]

PART 60—AIR TRAFFIC RULES

CONTROL AIRPORT DESIGNATION

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 28th day of October 1941.

Acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a) and 601 (a) of said Act, and finding that its action is desirable in the public interest and is necessary to carry out the provisions of, and to exercise and perform its powers and duties under, said Act, the Civil Aeronautics Board amends the Civil Air Regulations as follows:

Effective November 15, 1941, Part 60 of the Civil Air Regulations is amended as follows:

1. By amending § 60.2401 to read as follows:

§ 60.2401 *Green civil airway No. 2 airway traffic control areas (Seattle, Wash., to Boston, Mass.).* Those portions of green civil airway No. 2: From Boeing Field, Seattle, Wash., to a line extended at right angles across such airway through a point on the center line thereof 25 miles northwest of Superior, Mont.; from a line extended at right angles across such airway through a point on the center line thereof 25 miles southeast of the LaCrosse, Wis., radio range station, to the intersection of the center line of the on course signal of the east leg of the Detroit, Mich. (Wayne County Airport), radio range and the U. S.-Canadian border; from the intersection of the center line of the on course signal of the west leg of the Buffalo, N. Y., radio range and the U. S.-Canadian border, to a line extended at right angles across such airway through a point on the center line thereof 25 miles east of the Buffalo, N. Y., radio range station.

2. By amending § 60.24300 to read as follows:

§ 60.24300 *Blue civil airway No. 1 airway traffic control areas (Pendleton,*

Oreg., to Spokane, Wash.). All of blue civil airway No. 1.

3. By striking the words "Spokane, Wash.;" appearing in § 60.22.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 41-8171; Filed, October 31, 1941; 9:49 a. m.]

TITLE 16—COMMERCIAL PRACTICES

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. 3174]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF FORD MOTOR COMPANY

§ 3.6 (r) *Advertising falsely or misleadingly—Prices—Adequacy and additional charges unmentioned:* § 3.6 (r) *Advertising falsely or misleadingly—Prices—Product covered.* In connection with offer, etc., in commerce, of respondent's passenger motor vehicles, (1) representing as the price of any passenger motor vehicle, in or through the quotation of prices in connection with illustrations or descriptions of passenger motor vehicles, or otherwise, in any advertisement promoting the sale of such vehicles at retail, any price other than the true retail price of said passenger motor vehicles at the place designated for their sale, such retail price to include all charges for any equipment or accessories illustrated or described in such advertisement, or necessary to the operation of such motor vehicle, or customarily included as standard equipment, and any charge or charges whatsoever for advertising, delivery, handling, or for any similar or like purpose, or for any other purpose except transportation charges where the passenger motor vehicle so advertised is transported from the point where advertised for sale to another or different point for delivery to a retail purchaser; aforesaid provisions being subject to those of prohibition (3) below with respect to taxes; (2) using a designated price in any advertisement illustrating a passenger motor vehicle offered for sale at retail, unless the true retail price as defined in prohibitions (1) and (3) hereof, of the passenger motor vehicle illustrated is set out in juxtaposition thereto, in words or figures equal in size and conspicuousness to the words or figures designating the price of any other passenger motor vehicle referred to in said advertisement; (3) advertising passenger motor vehicles for sale at retail at a designated price, unless the said retail price includes all federal, state and local taxes, or unless the advertisement clearly and legibly states, immediately adjacent to the price quoted, that the price is subject to additional charges for federal, state, or local taxes, or any of them as the case may be; and (4) advertising or representing a passenger motor vehicle as being for sale at retail at a designated price, unless such vehicle is, in fact, made available and sold to the public at the point specified for the price stated, or at a point distant therefrom, for the price stated plus transportation charges thereto; aforesaid provisions being subject to those of prohibition (3) above regarding taxes; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Ford Motor Company, Docket 3174, October 20, 1941]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 20th day of October, A. D. 1941.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of the respondent, testimony and other evidence introduced before Wm. W. Sheppard, and John P. Bramhall, duly appointed trial examiners of the Commission designated by it to serve in this proceeding, the report of the trial examiners thereon and exceptions thereto, briefs filed on behalf of the Commission by James M. Hammond, counsel for the Commission, and by Bodman, Longley, Bogle, Middleton & Farley, counsel for the respondent; and the Commission having made its findings as to the facts and its conclusion that the respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent, Ford Motor Company, a corporation, its officers, directors, representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of its passenger motor vehicles in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(a) Representing as the price of any passenger motor vehicle, in or through the quotation of prices in connection with illustrations or descriptions of passenger motor vehicles, or otherwise, in any advertisement promoting the sale of such passenger motor vehicles at retail, any price other than the true retail price of said passenger motor vehicles at the place designated for their sale, such retail price to include all charges for any equipment or accessories illustrated or described in such advertisement, or necessary to the operation of such motor vehicle, or customarily included as standard equipment, and any charge or charges whatsoever for advertising, delivery, handling, or for any similar or like purpose, or for any other purpose except transportation charges where the passenger motor vehicle so advertised is transported from the point where advertised for sale to another or different point for delivery to a retail purchaser. The provisions of this subparagraph (a) are subject to the provisions of subparagraph (c) hereof with respect to taxes.

(b) Using a designated price in any advertisement illustrating a passenger motor vehicle offered for sale at retail, unless the true retail price as defined in sub-paragraphs (a) and (c) hereof, of the passenger motor vehicle illustrated is set out in juxtaposition thereto, in words or figures equal in size and conspicuousness to the words or figures designating the price of any other passenger motor vehicle referred to in said advertisement.

(c) Advertising passenger motor vehicles for sale at retail at a designated price, unless the said retail price includes all federal, state and local taxes, or unless the advertisement clearly and legibly states, immediately adjacent to the price quoted, that the price is subject to additional charges for federal, state or local taxes, or any of them as the case may be.

(d) Advertising or representing a passenger motor vehicle as being for sale at retail at a designated price, unless such passenger motor vehicle is, in fact, made available and sold to the public at the point specified for the price stated, or at a point distant therefrom, for the price stated plus transportation charges thereto. This paragraph is subject to the provisions of subparagraph (c) hereof regarding taxes.

It is further ordered, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 41-8198; Filed, October 31, 1941; 11:51 a. m.]

[Docket No. 4429]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF SNAP-ON TOOLS CORPORATION

§ 3.99 (b) *Using or selling lottery devices—In merchandising.* In connection with offer, etc., in commerce, of tools or any other merchandise, (1) selling, etc., tools or any other merchandise by the use of any sales plan, by means of which said tools or other merchandise are sold or distributed to the public by means of a game of chance, gift enterprise or lottery scheme; (2) supplying, etc., others with any sales plan together with assortment of tools or other merchandise, which said sales plan is to be, or may be, used in selling or distributing said tools or other merchandise to the public by means of a game of chance, gift enterprise, or lottery scheme; and (3) selling, etc., any merchandise by means of a game of chance, gift enterprise, or lottery scheme; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec.

3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Snap-On Tools Corporation, Docket 4429, October 20, 1941]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 20th day of October, A. D. 1941.

This proceeding, having been heard by the Federal Trade Commission upon the complaint of the Commission and the substitute answer of the respondent in which answer respondent admits all the material allegations of fact set forth in said complaint and states that it waives all intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent, Snap-On Tools Corporation, a corporation, its officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of tools or any other merchandise in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Selling or distributing tools or any other merchandise by the use of any sales plan, by means of which said tools or other merchandise are sold or distributed to the public by means of a game of chance, gift enterprise, or lottery scheme;

(2) Supplying to or placing in the hands of others any sales plan together with assortments of tools or other merchandise, which said sales plan is to be used or may be used in selling or distributing said tools or other merchandise to the public by means of a game of chance, gift enterprise, or lottery scheme;

(3) Selling or otherwise disposing of any merchandise by means of a game of chance, gift enterprise, or lottery scheme.

It is further ordered, That the respondent, shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 41-8199; Filed, October 31, 1941; 11:51 a. m.]

[Docket No. 4577]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF THE LUX COMPANY, ETC.

§ 3.6 (a10) *Advertising falsely or misleadingly—Comparative data or merits:* § 3.6 (j10) *Advertising falsely or misleadingly—History of product or offering:* § 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results.* In connection with offer, etc., in commerce, of an electric water heater, now designated variously as the "Magic Disc", the "Super-Lux Heater" and the "Lux", whether sold under these, or any other, names, and among other things, as in order set forth, representing (1) that respondent's electric water heater operates on a new principle; (2) that it heats water instantly; (3) that it is capable of heating substantial quantities of water in a shorter period of time than will gas, coal or oil, and at only a fraction of the cost; and (4) that the use of respondent's heater will enable one to save up to 75% of gas bills or that its use will effect any substantial reduction in the cost of heating water as compared with gas or other fuel; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, The Lux Company, etc., Docket 4577, October 20, 1941]

§ 3.6 (l) *Advertising falsely or misleadingly—Indorsements and testimonials:* § 3.6 (y) *Advertising falsely or misleadingly—Safety:* § 3.6 (ee5) *Advertising falsely or misleadingly—Tests and investigations:* § 3.18 *Claiming indorsements or testimonials falsely.* In connection with offer, etc., in commerce, of an electric water heater, now designated variously as the "Magic Disc", the "Super-Lux Heater" and the "Lux", whether sold under these, or any other, names, and among other things, as in order set forth, representing (1) that said heater is safe; (2) that it has been tested and approved by the American Public Service Testing System; and (3) that it has been subjected to any tests at all, unless it has in fact been subjected to scientific tests by a reputable recognized testing laboratory properly equipped and staffed for the testing of such products; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, The Lux Company, etc., Docket 4577, October 20, 1941]

In the Matter of Lux-Visel, Inc., a Corporation, Trading and Doing Business Under the Names The Lux Company and Superlux

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 20th day of October, A. D. 1941.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answer of respondent, in which answer respondent admits all the material allegations of fact set forth in said complaint, and states that it waives all intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent, Lux-Visel, Inc., a corporation, trading and doing business under the names The Lux Company and Superlux, or under any other name, its officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of an electric water heater, now designated variously as the "Magic Disc", the "Super-Lux Heater" and the "Lux", whether sold under these names or any other name or names, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication:

(1) That respondent's electric water heater operates on a new principle;

(2) That it heats water instantly;

(3) That it is capable of heating substantial quantities of water in a shorter period of time than will gas, coal or oil, and at only a fraction of the cost;

(4) That the use of respondent's heater will enable one to save up to 75% of gas bills or that its use will effect any substantial reduction in the cost of heating water as compared with gas or other fuel;

(5) That said heater is safe;

(6) That said heater has been tested and approved by the American Public Service Testing System;

(7) That said heater has been subjected to any tests at all, unless it has in fact been subjected to scientific tests by a reputable recognized testing laboratory properly equipped and staffed for the testing of such products.

It is further ordered, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 41-8200; Filed, October 31, 1941; 11:51 a. m.]

[Docket No. 4578]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF CHAMPION BATTERY COMPANY

§ 3.69 (b) *Misrepresenting oneself and goods—Goods—Terms and conditions:* § 3.69 (b) *Misrepresenting oneself and goods — Goods — Value:* § 3.69 (c10) *Misrepresenting oneself and goods—Promotional sales plans:* § 3.72 (n10) *Offering deceptive inducements to purchase — Terms and conditions.* In connection with offer, etc., in commerce, of so-called sales stimulator plans, and the certificates and lanterns, batteries and bulbs, or other merchandise used in connection with such plans, and among

other things, as in order set forth, representing (1) that dealers purchasing respondent's said plan will receive a designated number of lanterns or other articles of merchandise, when in fact the contract for the purchase of such plan provides only that a number of so-called trade certificates will be delivered to the dealer; (2) that respondent will effect the redemption of trade certificates without further cost or obligation to the dealer or the dealer's customer; and (3) as the value of respondent's lanterns any amount which is in excess of the usual and customary retail price of such lanterns; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, Champion Battery Company, Docket 4578, October 20, 1941]

§ 3.55 *Furnishing means and instrumentalities of misrepresentation or deception:* § 3.69 (c10) *Misrepresenting oneself and goods—Promotional sales plans.* In connection with offer, etc., in commerce, of so-called sales stimulator plans, and the certificates and lanterns, batteries and bulbs, or other merchandise used in connection with such plans, and among other things, as in order set forth, (1) supplying to dealers advertising matter which represents that lanterns furnished by such dealers to their customers are furnished free or without charge; and (2) supplying to dealers advertising matter representing that the prices charged for the batteries and bulbs to be purchased by the dealer's customer in order to receive a lantern are the usual and customary retail prices of such batteries and bulbs; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, Champion Battery Company, Docket 4578, October 20, 1941]

§ 3.69 (b) *Misrepresenting oneself and goods—Goods—Terms and conditions:* § 3.69 (b) *Misrepresenting oneself and goods—Goods—Undertakings, in general:* § 3.69 (c10) *Misrepresenting oneself and goods—Promotional sales plans:* § 3.72 (n10) *Offering deceptive inducements to purchase—Terms and conditions:* § 3.72 (p) *Offering deceptive inducements to purchase—Undertakings, in general.* In connection with offer, etc., in commerce, of so-called sales stimulator plans, and the certificates and lanterns, batteries and bulbs, or other merchandise used in conection with such plans, and among other things, as in order set forth, representing (1) that lanterns remaining in dealers' hands at the termination of said so-called sales stimulator plan will be redeemed by respondent; and (2) that respondent's dealers are given the right to exclusive distribution of respondent's products within certain designated territories; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, Champion Battery Company, Docket 4578, October 20, 1941]

§ 3.96 (a) *Using misleading name—Goods—Source or origin—Maker:* § 3.96 (b) *Using misleading name—Vendor—Connections and arrangements with others.* In connection with offer, etc., in commerce, of so-called sales stimulator plans, and the certificates and lanterns, batteries and bulbs, or other merchandise used in connection with such plans, and among other things, as in order set forth, using the word "Champion" (1) to designate or describe respondent's products or otherwise representing that respondent's products are the products of the Champion Spark Plug Company of Toledo, Ohio; and (2) as a part of respondent's trade name or otherwise representing that respondent is connected in any manner with the Champion Spark Plug Company of Toledo, Ohio; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, Champion Battery Company, Docket 4578, October 20, 1941]

In the Matter of William B. Bartlett, Individually and Trading as Champion Battery Company

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 20th day of October, A. D. 1941.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answer of respondent, in which answer respondent admits all the material allegations of fact set forth in said complaint and states that he waives all intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and conclusion that respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent William B. Bartlett, individually and trading as Champion Battery Company, or trading under any other name, his representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of so-called sales stimulator plans, and the certificates and lanterns, batteries and bulbs, or other merchandise used in connection with such plans, do forthwith cease and desist from:

(1) Representing that dealers purchasing respondent's said plan will receive a designated number of lanterns or other articles of merchandise, when in fact the contract for the purchase of such plan provides only that a number of so-called trade certificates will be delivered to the dealer;

(2) Representing that respondent will effect the redemption of trade certificates without further cost or obligation to the dealer or the dealer's customer;

(3) Representing as the value of respondent's lanterns any amount which is in excess of the usual and customary retail price of such lanterns;

(4) Supplying to dealers advertising matter which represents that lanterns furnished by such dealers to their customers are furnished free or without charge;

(5) Supplying to dealers advertising matter representing that the prices charged for the batteries and bulbs to be purchased by the dealer's customer in order to receive a lantern are the usual and customary retail prices of such batteries and bulbs;

(6) Representing that lanterns remaining in dealers' hands at the termination of said so-called sales stimulator plan will be redeemed by respondent;

(7) Representing that respondent's dealers are given the right to exclusive distribution of respondent's products within certain designated territories;

(8) Using the word "Champion" to designate or describe respondent's products or otherwise representing that respondent's products are the products of the Champion Spark Plug Company of Toledo, Ohio;

(9) Using the word "Champion" as a part of respondent's trade name or otherwise representing that respondent is connected in any manner with the Champion Spark Plug Company of Toledo, Ohio.

It is further ordered, That the respondent shall, within sixty (60) days after the service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 41-8201; Filed, October 31, 1941; 11:52 a. m.]

TITLE 26—INTERNAL REVENUE

CHAPTER I—BUREAU OF INTERNAL REVENUE

[T.D. 5095]

PART 182—INDUSTRIAL ALCOHOL

AMENDMENT OF APPENDIX TO REGULATIONS NO. 3, REVISED 1938

Pursuant to authority in sections 3070 (a), 3105 (a), 3124 (a) (6), and 3176 (a), Internal Revenue Code, completely denatured alcohol Formulae Nos. 12, 13, and 14, as set forth in Appendix to Regulations No. 3,[1] approved December 29, 1938, are amended to read as follows:

Formula No. 12

To every 100 gallons of ethyl alcohol of not less than 160° proof add:

[1] 4 F.R. 10.

4 gallons of "Denol" or a compound similar thereto.

1.5 gallons of methyl isobutyl ketone, or 2.5 gallons of methyl propyl ketone, or 1 gallon of acetaldol (hydroxy-butyraldehyde).

1 gallon of gasoline.

1 gallon of "Agdite" or a compound similar thereto, or 2 gallons of "Hydronol" or a compound similar thereto.

Formula No. 13

To every 100 gallons of ethyl alcohol of not less than 160° proof add:

4 gallons of "ST-115" or a compound similar thereto.

1.5 gallons of methyl isobutyl ketone, or 2.5 gallons of methyl propyl ketone, or 1 gallon of acetaldol (hydroxy-butyraldehyde).

1 gallon of gasoline.

0.5 gallon of "Agdite" or a compound similar thereto or 1 gallon of "Hydronol" or a compound similar thereto.

Formula No. 14

To every 100 gallons of ethyl alcohol of not less than 160° proof add:

5 gallons of "FD–13" or a product similar thereto.

1.75 gallons of methyl isobutyl ketone, or 2.5 gallons of methyl propyl ketone or 1 gallon of acetaldol (hydroxy-butyraldehyde).

Specifications for Acetaldol

Acetaldol: 90% to 100%.

Specific Gravity: 1.098 to 1.105 at 20° C.

Purity: It shall titrate not less than 90% or more than 110% by the following method:

Dissolve 15 grams of the Acetaldol in distilled water and dilute to one liter in a volumetric flask. Transfer 5 ml. of this solution to a 250 ml. glass stoppered flask containing 25 ml. distilled water. Add 25 ml. of a freshly prepared 1 per cent sodium bisulphite solution. Prepare a blank omitting the acetaldol solution. Place flasks in a dark place away from excessive heat or cold and allow to stand six hours. Remove and titrate free bisulphite with tenth-normal Iodine solution using starch indicator.

$$\frac{(\text{ml. Blank} - \text{ml. test}) \times 0.44}{\text{weight of sample}} = \% \text{ Acetaldol}$$

On account of the presence of acetaldehyde, titrations in excess of 100% will sometimes be obtained.

[SEAL] NORMAN D. CANN,
Acting Commissioner of Internal Revenue.

Approved: October 30, 1941.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 41–8192; Filed, October 31, 1941; 11:42 a. m.]

TITLE 32—NATIONAL DEFENSE

CHAPTER IX—OFFICE OF PRODUCTION MANAGEMENT

SUBCHAPTER B—PRIORITIES DIVISION

PART 937—ZINC

Supplementary Order No. M–11–e

§ 937.6 *Supplementary order No. M–11–e.* (a) The Director of Priorities hereby determines that the amount of Metallic Zinc, Zinc Oxide and Zinc Dust to be set aside by Producers under paragraph (c) of § 937.1 as amended,[1] for the month of November and for each month thereafter until otherwise determined by him, shall be as follows:

(1) Metallic Zinc—An amount equal to 31% of Producer's August 1941 production.

(2) Zinc Oxide—An amount equal to 10% of Producer's August 1941 production.

(3) Zinc Dust—None.

(b) This Order shall take effect on the 1st day of November, 1941. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3, amended Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 31st day of October 1941.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 41–8176; Filed, October 31, 1941; 10:05 a. m.]

PART 1008—ELECTRIC POWER

Limitation Order L–16 to Curtail the Consumption of Electric Power in the Southeastern Area

Whereas shortages of electric power for defense, essential civilian and other uses in the southeastern area of the United States have been created by an abnormally dry season and by increased power requirements for defense industries; and

Whereas further shortages of electric power for defense, essential civilian and other uses in the southeastern area of the United States are threatened unless immediate steps are taken to curtail consumption of electric power, and to make available to the southeastern area, to the full limit of electrical facilities, the maximum amount of power from interconnected electric systems; and

Whereas the limitations upon use and consumption of electric power and the integration of power systems hereinafter ordered are necessary in order to conserve power and maintain defense and essential civilian services;

Now, therefore, it is ordered, That:

§ 1008.1 *General limitation order L–16*—(a) *Definitions.* For the purposes of this Order:

(1) "Person" means any individual, partnership, corporation, association, government agency or subdivision, or other form of enterprise.

(2) "Utility" means any person who generates, transmits or distributes electric power directly or indirectly for general use by the public. The term includes any membership corporation or cooperative supplying such services to its members or stockholders.

(3) (i) "Consumer" means any person who is an ultimate user of electric power purchased or otherwise acquired from any of the following Utilities: Alabama Power Company, Georgia Power Company, Gulf Power Company, Mississippi Power Company, South Carolina Power Company, Tennessee Valley Authority, Alabama Water Service Company, Birmingham Electric Company, Aluminum Company of America (Tennessee system), Carolina Aluminum Company (Western Division), Crisp County Power Commission, Riviera Utilities, Carolina Aluminum Company (Eastern Division), Carolina Power and Light Company, Duke Power Company, Lexington Water Power Company, Lockhart Power Company, J. B. McCrary Company, Nantahala Power and Light Company, South Carolina Electric and Gas Company, Tide Water Power Company, and any other Utility which currently receives net power deliveries from any of the foregoing specified Utilities, including all those set forth in Exhibit A, annexed hereto.

(ii) The term "Consumer" may be further defined from time to time by supplemental order or direction of the Director of Priorities to include any person who is an ultimate user of electric power purchased or otherwise acquired from any of the following Utilities: Arkansas Power and Light Company, Misissippi Power and Light Company, Kentucky Utilities Company, Kentucky-Tennessee Light and Power Company, Appalachian Electric Power Company, East Tennessee Light and Power Company, Virginia Electric and Power Company, Savannah Electric and Power Company, and any other Utility which currently receives net power deliveries from any of the said Utilities.

(4) "Base Billing Month" for any Consumer means the period of consumption of electric power by such Consumer for which the terminal monthly reading date fell on any day during the period September 15, 1941, to October 14, 1941, inclusive.

(5) "Weekly quota" for any Consumer means whichever is the greater of the following amounts of electric power consumed by such Consumer at any single location:

[1] 6 F.R. 3179, 5290.

(i) 2,500 kilowatt-hours, or

(ii) Seven times the average daily consumption of electric power by such Consumer during the Base Billing Month multiplied by the applicable percentage specified in Exhibit D, annexed hereto, as the same may be amended or modified from time to time by supplemental order or direction of the Director of Priorities.

(b) *Limitations on consumption and deliveries of electric power.* (1) Except as provided in paragraph (a) hereof, no Consumer shall purchase or otherwise acquire from any Utility referred to in paragraph (a) (3) (i) during the week commencing November 10, 1941 (unless a later date is fixed by the Director of Priorities), or in any succeeding week, electric power in excess of such Consumer's Weekly Quota; and no such Utility shall deliver to any such Consumer during any such week electric power in an amount which such Utility knows or has reason to believe exceeds such Consumer's Weekly Quota.

(2) The Director of Priorities may designate the time or times within any week when any Consumer shall put into effect the curtailment provided for in paragraph (b) (1), if in order to effectuate the purposes of this Order it shall become necessary to do so.

(3) No Consumer shall be relieved of the requirements of § 944.2 or any other section of Priorities Regulation No. 1 (August 27, 1941, 6 F.R. 4489), by reason of the provisions of this paragraph.

(c) *Exemptions.* The limitations set forth in paragraph (b) hereof shall not apply to any Consumer whose uncurtailed operation is found by the Director of Priorities to be necessary to national defense or to essential civilian services. Such Consumers are specified by classes in Exhibit C, annexed hereto, as the same may be amended or modified from time to time by the Director of Priorities. The Director of Priorities shall determine which individual Consumers are included in the classes specified in said Exhibit C and no Consumer is entitled to the exemption provided for herein until he shall have received notice of such determination. Any other Consumer who considers that his uncurtailed operations are necessary to national defense or to essential civilian services may apply for such exemption to the Director of Priorities.

(d) *Prohibition of designated nonessential uses of electric power.* No Consumer shall use electric power during such hours of the day or week as may be specified from time to time by the Director of Priorities, or for any purpose or use specified in Exhibit D, annexed hereto, as the same may be amended or modified from time to time by the Director of Priorities; and no Utility referred to in paragraph (a) (3) (i) shall deliver electric power to any Consumer if such Utility knows or has reason to believe that such power or any part thereof will be used by such Consumer for any such prohibited purpose or at any such prohibited time.

(e) *Integration of power system operation.* Alabama Power Company, Georgia Power Company, Gulf Power Company, Mississippi Power Company, South Carolina Power Company, Tennessee Valley Authority, Alabama Water Service Company, Birmingham Electric Company, Aluminum Company of America (Tennessee system), Carolina Aluminum Company (Western Division), Crisp County Power Commission, Riviera Utilities, Carolina Aluminum Company (Eastern Division), Carolina Power and Light Company, Duke Power Company, Lexington Water Power Company, Lockhart Power Company, J. B. McCrary Company, Nantahala Power and Light Company, South Carolina Electric and Gas Company, Savannah Electric and Power Company (when interconnected), Tide Water Power Company, Arkansas Power and Light Company, Mississippi Power and Light Company, Kentucky Utilities Company, Kentucky-Tennessee Light and Power Company, Appalachian Electric Power Company, East Tennessee Light and Power Company, Virginia Electric and Power Company, Ohio Power Company, Virginia Public Service Company, Florida Public Service Company, Florida Power Corporation, Florida Power and Light Company, Tampa Electric Company, Louisiana Power and Light, New Orleans Public Service, Inc., Kentucky and West Virginia Power Company, Inc., Old Dominion Power Company and Louisville Gas and Electric Company (and any other utility which is or can readily be interconnected with any of the foregoing Utilities and which may be included within the provisions of this paragraph from time to time by supplemental order or direction of the Director of Priorities), shall so operate their reservoirs, generating plants, substations and transmission lines and other facilities, and shall so interchange electric power as to make available the maximum power capacity and achieve maximum output in the area served by such Utilities, and to relieve shortages in the southeastern area. Said Utilities shall make such pooling arrangements as may be necessary to effectuate such purposes. Where necessary for such purposes, the Director of Priorities will issue specific orders and directions as to the operation of reservoirs, generating plants, substations, transmission lines or other facilities and as to deliveries of power.

(f) *Notice to consumers.* Each Utility shall promptly notify its Consumers in the manner prescribed by the Director of Priorities of the restrictions of this Order applicable to such Consumers.

(g) *Appeal.* Any person affected by this Order who considers that compliance therewith will work or has worked an exceptional or unreasonable hardship may appeal for relief to the Director of Priorities who may grant such specific exemptions or take such other action as he shall deem appropriate for and consistent with the purposes of this Order.

(h) *Reports and information.* (1) Each Utility affected by this Order shall keep and preserve for not less than two years accurate and complete records concerning deliveries of electric power to Consumers. Such records shall be subject to inspection by duly authorized representatives of the Office of Production Management.

(2) Each Consumer who uses more than 2,500 kilowatt-hours during the week commencing November 10, 1941 (or the first week during which the provisions of paragraph (b) are in effect, if the effective date thereof is later than November 10, 1941), or any succeeding week, shall report to the Office of Production Management at the end of every such week the amount of electric power consumed by him during such week. Such reports shall be filed with the Utility supplying electric power to such Consumer on forms prescribed by the Director of Priorities and distributed by the Utility; and each such Utility shall keep custody thereof for and subject to the direction of the Director of Priorities.

(3) At the end of the week commencing November 10, 1941 (or the first week during which the provisions of paragraph (b) are in effect, if the effective date thereof is later than November 10, 1941), and at the end of each succeeding week, each Utility affected by the provisions of paragraph (b) hereof shall report to the Power Branch, Office of Production Management, Federal Reserve Bank Building, Atlanta, Georgia, the name and address of any Consumer who, as such Utility knows or has reason to believe, has consumed during such week more electric power than his Weekly Quota, together with the Weekly Quota of such Consumer and the amount of such excess.

(i) *Regional office.* Any applications, appeals, reports (except as provided in paragraph (h) (2)), or other communications filed pursuant to this Order shall be addressed to the Power Branch, Office of Production Management, Federal Reserve Bank Building, Atlanta, Georgia.

(j) *Violations.* Any person affected by this Order who falsifies records or reports which he is required by this Order to keep or file or who violates any other provision of this Order or any other Order, regulation, or direction issued by the Director of Priorities, may be prohibited from delivering or receiving electric power or any other material subject to allocation by the Director of Priorities, and shall be subject to any other prohibitions or penalties under existing laws.

(k) *Effective date.* Except as specified in paragraph (b) hereof, this Order shall take effect immediately, and unless sooner terminated by the Director of Priorities shall expire on the 28th day of February, 1942. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3 amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan.

7, 1941, 6 F.R. 191; E.O. 8875; Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 30th day of October 1941.

DONALD M. NELSON,
Director of Priorities.

EXHIBIT A

UTILITIES WHICH PURCHASE POWER AT WHOLESALE FROM THE UTILITIES NAMED IN THE DEFINITION OF "CONSUMER" IN PARAGRAPH (a) (2) OF LIMITATION ORDER L-16

Alabama Power Company

Private utilities: Alabama Water Service Company; Birmingham Electric Company; Tallahassee Utilities.

Municipalities: City of Dothan; City of Hartford; City of Lafayette; City of Lanett; City of Opelika; City of Piedmont; Riviera Utilities; City of Sylacauga; City of Tuskegee; City of Evergreen; City of Luverne; City of Troy; City of Alexander City.

Cooperatives: Baldwin County Electric Membership Corporation; Southern Pine Electric Cooperative; South Alabama Electric Cooperative; Tallapoosa River Electric Cooperative; Black Warrior Electric Membership Corporation; Central Alabama Electric Cooperative; Clarke-Washington Electric Membership Corporation; Coosa Valley Electric Cooperative; Dixie Electric Cooperative; Pea River Electric Cooperative; Pioneer Electric Cooperative; Southern Pine Electric Cooperative; Wiregrass Electric Cooperative.

Carolina Power & Light Company

Municipalities: South Carolina Public Service Authority; Northwest Carolina Utilities, Inc.; City of Fayetteville; Town of Lumberton; Town of Laurinburg; Town of Clayton; Town of LaGrange; City of Camden; City of Bennettsville; Pinehurst, Inc.; Town of Waynesville; Town of Wake Forest; Town of Red Springs; Town of Benson; Town of Fremont; Town of Selma; Town of Smithfield; Town of Pikeville; Hominy Power & Light Company; Town of Apex; Laurel Hill Electric Company; Tidewater Power Company.

R. E. A.: Randolph Electric Membership Corp.; Pee Dee Electric Corp.; Black River Electric Coop., Inc.; Berkeley Electric Coop., Inc.; Santee Electric Coop., Inc.; Marion Elec. Coop., Inc.; Horry Electric Coop., Inc.; Lumbee River Electric Membership Corp.; Randolph Electric Membership Corp.; Lynches River Electric Corp.; Marlboro Electric Cooperative, Clio, S. C.; Marlboro Electric Cooperative, Bennettsville, S. C.; South River Electric Membership Corp.; Cruso Electric Membership Corp.; French Broad Electric Membership Corp., Pee Dee Electric Cooperative; Marlboro Electric Cooperative, Little Rock, S. C.; Tri County Electric Membership Corp.; Halifax Electric Membership Corp.; Wake Electric Membership Corp.

South Carolina Power Co.

R. E. A.: Aiken Electric Inc.; Berkeley Electric Corp., Inc.; Coastal Electric Corp., Inc.; Edesto Electric Corp., Inc.

Wholesale towns: Bamberg Board Public Works; McCormick Commission of Public Works.

Resale: The Citadel, Charleston; U. S. Army General Hospital; U. S. Army, Marshall Field, Ft. Moultrie; U. S. Army, Ft. Moultrie, S. C.; U. S. Marine Camp, Parris Island; U. S. Navy Inshore Patrol, Charleston; Charleston Housing Authority, Charleston, S. C.

Tennessee Valley Authority

Municipalities: Aberdeen, Miss.; Albertville, Ala.; Amory, Miss.; Athens, Ala.; Athens, Tenn.; Benton Co., Tenn.; Bessemer, Ala.; Bolivar, Tenn.; Brownsville, Tenn.; Carroll Co., Tenn.; Chattanooga, Tenn.; Clarksville, Tenn.; Cleveland, Tenn.; Clinton, Tenn.; Columbia, Tenn.; Columbus, Miss.; Courtland, Ala.; Dayton, Tenn.; Decatur, Ala.; Dickson, Tenn.; Etowah, Tenn.; Fayetteville, Tenn.; Florence, Ala.; Ft. Payne, Ala.; Gallatin, Tenn.; Guntersville, Ala.; Harriman, Tenn.; Hartselle, Ala.; Holly Springs, Miss.; Humboldt, Tenn.; Huntsville, Ala.; Jackson, Tenn.; Knoxville, Tenn.; LaFollette, Tenn.; Lawrenceburg, Tenn.; Lenoir City, Tenn.; Lewisburg, Tenn.; Lexington, Tenn.; Loudon, Tenn.; Louisville, Miss.; Macon, Miss.; Maryville, Tenn.; McMinnville, Tenn.; Memphis, Tenn.; Milan, Tenn.; Mt. Pleasant, Tenn.; Murfreesboro, Tenn.; Murphy, N. C.; Muscle Shoals, Ala.; Nashville, Tenn.; New Albany, Miss.; Newbern, Tenn.; Newport, Tenn.; Okolona, Miss.; Paris, Tenn.; Philadelphia, Miss.; Pulaski, Tenn.; Ripley, Tenn.; Rockwood, Tenn.; Russellville, Ala.; Scottsboro, Ala.; Sevierville, Tenn.; Sheffield, Ala.; Shelbyville, Tenn.; Somerville, Tenn.; Springfield, Tenn.; Starkville, Miss.; Sweetwater, Tenn.; Tarrant City, Ala.; Trenton, Tenn.; Tupelo, Miss.; Tuscumbia, Ala.; Water Valley, Miss.; Weakley Co., Tenn.; West Point, Miss.; Winchester, Tenn.

Cooperatives: Alcorn Assn., Miss.; Appalachian Coop., Tenn.; Blue Ridge Assn., Ga.; Central Assn., Miss.; Cherokee Coop., Ala.; Cullman Coop., Ala.; Cumberland Corp., Tenn.; Duck River Corp., Tenn.; East Miss. Assn., Miss.; Ft. Loudoun Coop., Tenn.; 4-County Assn., Miss.; Gibson Corp., Tenn.; Hickman-Fulton Corp., Ky.; Holston Coop., Tenn.; Joe Wheeler Corp., Ala.; Lincoln Corp., Tenn.; Meriwether Lewis Coop., Tenn.; Middle Tenn. Corp., Tenn.; Monroe Assn., Miss.; Natches Trace Assn., Miss.; No. Ala. Coop., Ala.; No. East Miss. Assn., Miss.; No. Georgia Corp., Ga.; Pickwick Corp., Tenn.; Plateau Coop., Tenn.; Pontotoc Assn., Miss.; Prentiss Assn., Miss.; Sand Mtn. Coop., Ala.; Sequachee Valley Coop., Tenn.; SW Tenn. Corp., Tenn.; Tallahatchie V. Assn., Miss.; Tenn. Valley Coop., Tenn.; Tippah Assn., Miss.; Tishomingo Assn., Miss.; Tombigbee Assn., Miss.; Tri-County Corp., Tenn.; Upper Cumberland Corp., Tenn.; Volunteer Coop., Tenn.

Private companies and municipalities: Bells Lt. & Water Co., Tenn.; Franklin Power & Light Co., Tenn.; Alabama Power Co.; Arkansas Power & Light Co.; Commonwealth & Southern; Cookeville, City of; Ducktown Citizens Light Co.; Kentucky-Tennessee Light & Power Co.; City of Lebanon; City of Tullahoma.

Georgia Power Company

City of Acworth; City of Albany; City of Barnesville; City of Blakely; City of Braselton; City of Buford; City of Calhoun; City of Camilla; City of Cartersville; City of College Park; City of Commerce; City of Covington; City of Dalton; City of Doerun; City of Douglas; City of East Point; City of Elberton; City of Ellaville; City of Fairburn; City of Fitzgerald; City of Forsyth; City of Grantville; City of Griffin; City of Hampton; City of Hogansville; City of Jackson; City of LaFayette; City of LaGrange; City of Lawrenceville; City of Mansfield; City of Marietta; City of Monroe; City of Monticello; City of Moultrie; City of Newnan; City of Norcross; City of Palmetto; City of Sylvester; City of Thomaston; City of Washington; City of West Point.

Wholesale: Housing Authority, City of Atlanta: Techwood Homes; University Housing Project. Housing Authority, City of Brunswick: Glynn Villa; McIntyre Court.

Retail: Housing Authority, City of Athens: Parkview Homes, Ga.; Broad Acres Housing Project, Ga. Housing Authority, City of Atlanta: Grady Homes, Ga.; State Capitol Homes, Ga.; John J. Egan Homes, Ga.; John Hope Homes, Ga.; Clark Howell Homes, Ga. Housing Authority, City of Augusta: Sunset Homes, Ga.; Gilbert Manor, Ga.; Olmstead Homes, Ga. Housing Authority, City of Columbus: George Foster Peabody Apts., Ga.; Newton D. Baker Village, Ga.; Booker T. Washington Project, Ga. Housing Authority, City of Macon: Oglethorpe Homes, Ga.; Tindall Heights, Ga. Housing Authority, City of Rome: Altoview Terrace, Ga.; DeSoto Homes, Ga.

R. E. A.: Troup Co. EMC; Altamaha EMC, Swainsboro; Altamaha EMC, Lyons; Altamaha EMC, Soperton; Walton EMC; Carroll EMC; Planters EMC; Douglas Co. EMC, Douglasville; Douglas Co. EMC, Newnan; Flint EMC, Reynolds; Flint EMC, Buena Vista; Irwin Co. EMC; Upson Co. EMC; Central Ga. EMC, Jackson; Central Ga. EMC, Senoia; Satilla Rural EMC, Pine Grove; Satilla Rural EMC, Alma; Satilla Rural EMC, Douglas; Jefferson Co. EMC; Mitchell Co. EMC, Camilla; Mitchell Co. EMC, Sylvester; Washington Co. EMC; Little Ocmulgee EMC; Hart EMC; Sumter EMC, Sumter; Sumter EMC, Richland; Lamar EMC; Ocmulgee EMC; Jackson EMC, Jefferson; Jackson EMC, Oakwood; Excelsior EMC; Rayle Elec. Assn.; Habersham EMC; Canoochee EMC; Forsyth Co. EMC; Colquitt Co. Rural Elec. Co., Tifton; Oconee

EMC; Lamar EMC; Jefferson Co. EMC; Colquitt Co. Rural Elec Co., Nashville; Tri County EMC; Middle Ga. EMC; Amicalola EMC, Ellijay; Amicalola EMC, Tate; Coastal EMC; Pataula EMC.

Mississippi Power Co.

R. E. A.: Coast Electric Power Association; East Mississippi Electric Power Association; Jones County Electric Power Association; Pearl River Valley Electric Power Association; Singing River Electric Power Association; Southern Pine Electric Power Association; West Florida Cooperative Association; Escambia River Electric Cooperative; Choctawhatchee Electric Cooperative.

Duke Power Company

Blue Ridge Electric Membership Corporation; Northwest Carolina Utilities Company; High Point Davie Electric Membership Corporation; Piedmont Electric Membership Corporation; Rutherford E. M. C.; Albemarle; Benton Heights; Central Electric & Telephone Company; Cherryville, N. C.; Concord, N. C., City of; Town of Cornelius, N. C.; Cornel E. M. C.; Town of Dallas, N. C.; Town of Davidson, N. C.; Town of Drexel, N. C.; Durham Public Service Company; Town of Forest City, N. C.; City of Gastonia, N. C.; Town of Granite Falls, N. C.; City of Huntersville, N. C.; Town of Kings Mt., N. C.; Town of Landis, N. C.; City of Lexington, N. C.; Town of Lincolnton, N. C.; Town of Marden, N. C.; Town of Monroe, N. C.; Town of Morganton, N. C.; Town of Newton, N. C.; Town of Pineville, N. C.; City of Shelbe, N. C.; City of Statesville, N. C.; Surry-Yadkin E. M. C.; Union E. M. C.; Broad River Electric Cooperative, S. C.; Town of Due West, S. C.; City of Easley, S. C.; The Electric Company, Fortmills, S. C.; City of Greer, S. C.; Heath Springs Light & Power Company; City of Newberry, S. C.; Town of Prosperity, S. C.; City of Rock Hill, S. C.; Town of Seneca, S. C.; Town of Westminster, S. C.; Blue Ridge Electric Cooperative; States Rural Electrification Authority, Columbia, S. C.; Peckins, S. C.

South Carolina Electric & Gas Co.

Mid-Carolina Electric Cooperative, Batesburg, S. C.; Mid-Carolina Cooperative, Pomaria, S. C.; Tri County Electric Cooperative, Elloree, S. C.; Tri County Electric Cooperative, St. Matthews, S. C.; Fairfield County Cooperative, Winnsboro, S. C.; Brodie Light & Power Company, Gilbert, S. C.; Jenkinsville Light & Power, Jenkinsville, S. C.; Aiken County Electric Cooperative, Aiken, S. C.; Tri County Electric Cooperative, Gadsden, S. C.; City of Orangeburg, S. C.; Richland County R. E. A., Columbia, S. C.; Town of Winnsboro, S. C.

EXHIBIT B

PERCENTAGE OF PERMISSIBLE USE OF ELECTRIC POWER UNDER PARAGRAPH (b) (1) OF LIMITATION ORDER L–16

The percentages listed below are to be used in determining a Consumer's Weekly Quota of electric power as defined in paragraph (a) (5). Any Consumer who purchases or otherwise acquires electric power from any of the Utilities listed in Column 1 shall be entitled to use during the week commencing November 10, 1941 (unless a later date is fixed) and in any succeeding week not more than seven times the average daily consumption of such Consumer during his Base Billing Month, multiplied by the Column 2 percentage opposite the name of the Utility which supplies such Consumer.

1. *Utility*	2. *Percentage*
Alabama Power Co	70.0
Georgia Power Co	70.0
Gulf Power Co	70.0
Mississippi Power Co	70.0
South Carolina Power Co	70.0
Tennessee Valley Authority	70.0
Alabama Water Service Co	70.0
Birmingham Electric Co	70.0
Aluminum Co. of America (Tennessee System)	70.0
Carolina Aluminum Co. (Western Division)	70.0
Crisp County Power Commission	70.0
Riviera Utilities	70.0
Nantahala Power and Light Co	70.0
All other Utilities which purchase power from any of the above named Utilities	70.0
* * * * *	
Carolina Aluminum Co. (Eastern Division)	95.0
Carolina Power & Light Co	95.0
Duke Power Co	95.0
Lexington Water Power Co	95.0
Lockhart Power Co	95.0
J. B. McCrary Co	95.0
South Carolina Electric & Gas Co	95.0
Tide Water Power Co	95.0
All other Utilities which purchase power from any of the above named Utilities	95.0

EXHIBIT C

ELECTRIC POWER CONSUMERS EXEMPT FROM THE MANDATORY CURTAILMENT PROVISIONS OF PARAGRAPH (b) OF LIMITATION ORDER L–16

1. The following Federal, State, County, and Municipal services: Fire, Police, and essential state and highway lighting.

2. The following essential community services: Churches, hospitals, newspapers, refrigeration and food preservation plants.

3. Transportation services:

(a) Urban, suburban, and interurban common or contract carriers of passengers or freight, including terminals.

(b) Railways, terminals, and related facilities.

(c) Shipping on inland waterways including locks and terminals and not including dredging.

(d) Army, Navy, municipal, and licensed commercial airports and airfields.

(e) Oil and gas pipe lines, and pumping stations.

(f) Maintenance and repair yards or shops used exclusively for the maintenance or repair of the above transportation services.

4. Communications services including:

(a) Post Offices.

(b) Radio—commercial broadcasting and communication.

(c) Telephone and telegraph systems.

(d) Traffic control and signal systems.

5. Water supply and public sanitation systems including water works, pumping stations and sewage disposal plants.

6. Military establishments, including cantonments, posts, depots, and fortifications.

7. Plants *exclusively* engaged in the production of any of the following munitions or materials:

(a) Airplanes, airplane engines, and parts.

(b) Naval ships and parts.

(c) Merchant ships and parts.

(d) Ordnance items including guns, ammunitions, explosives, and combat vehicles.

(e) Aluminum.

(f) Magnesium.

(g) Copper or brass.

(h) Zinc.

(i) Manganese.

(j) Mercury.

(k) Ferroalloys.

(l) Abrasives.

(m) Graphite Electrodes.

(n) Forgings.

(o) Machine Tools.

(p) Artificial gas.

EXHIBIT D

PROHIBITED USES PURSUANT TO PARAGRAPH (d) OF LIMITATION ORDER L–16

1. Sign Lighting.

2. Show-window lighting.

3. Outline and ornamental lighting.

4. Outdoor lighting, flood lighting or field lighting for amusements or sports.

5. Interior or exterior lighting for decorative or advertising purposes.

6. The foregoing prohibited uses do not include:

(a) Ordinary street or traffic lighting.

(b) Signal or other lighting required by police, fire or other public safety departments.

(c) Lighting for defense property protection required by defense regulations.

[F. R. Doc. 41–8177; Filed, October 31, 1941; 10:06 a. m.]

CHAPTER XI—OFFICE OF PRICE ADMINISTRATION

PART 1302—ALUMINUM

PRICE SCHEDULE NO. 2—ALUMINUM SCRAP AND SECONDARY ALUMINUM INGOT [1]

As Amended, Effective November 1, 1941

The Office of Price Administration, being charged with the maintenance of price stability and the prevention of undue price rises and price dislocations, has determined, after full investigation and after consultation with representatives of the trade and with the Office of Production Management, (a) that the total supply of primary and secondary aluminum is grossly inadequate to satisfy combined defense and civilian demands, (b) that almost the entire supply of primary aluminum and an increasing proportion of the supply of secondary aluminum is being required for defense purposes, (c) that resulting competition for secondary aluminum has exerted highly inflationary pressure upon prices of aluminum scrap and secondary aluminum ingot and has driven such prices to unreasonable levels wholly disproportionate to the price at which primary aluminum has been voluntarily stabilized, (d) that such uncontrolled price increases have led to hoarding, speculation, profiteering and price instability injurious to national defense and have necessitated establishment of maximum prices for aluminum scrap and secondary aluminum ingot, (e) that, in order to bring such maximum prices into proper relationship to the recently reduced price of primary aluminum and into proper relationship to each other, it is essential that the maximum prices heretofore established be revised, and (f) that such maximum prices as so revised and set forth herein constitute fair and reasonable limitations on prices of aluminum scrap and secondary aluminum ingot and that their establishment is in the interest of national defense and welfare.

Accordingly, under the authority vested in me by Executive Order 8734, it is hereby directed that:

Sections 1302.1 to 1302.15, inclusive, are hereby renumbered and amended to read as follows:

§ 1302.1 *Maximum prices of aluminum scrap and secondary aluminum ingot.* On and after November 1, 1941, regardless of the terms of any contract of sale or purchase, or other commitment, no person shall sell, offer to sell, deliver or transfer aluminum scrap or secondary aluminum ingot, and no person shall buy, offer to buy, or accept delivery of aluminum scrap or secondary aluminum ingot, at prices higher than the maximum prices set forth in Appendices A and B hereof.*

*§§ 1302.1 to 1302.11, inclusive, issued under the authority contained in Executive Orders Nos. 8734, 8875, 6 F.R. 1917, 4483.

[1] 6 F.R. 1593, 2682, 4076.

§ 1302.2 *Less than maximum prices.* Lower prices than those set forth in Appendices A and B hereof may be charged, demanded, paid or offered.*

§ 1302.3 *Conversion of plant scrap.* The maximum prices herein established shall have no application to the sale, delivery, or transfer of plant scrap, made from wrought aluminum (except forgings) as distinguished from cast aluminum, which is segregated as to alloy and is delivered, in accordance with permission or requirement of the Director of Priorities, Office of Production Management, by the maker of the scrap to a producer of the type of processed material from which the scrap was made, for conversion into material of such type, and pursuant to a written agreement that an equivalent amount of similar processed material will be returned to the maker of the scrap: *Provided,* That the total charge for such conversion and such returned processed material shall not exceed the sum of (a) the amount by which the current price of primary aluminum ingot exceeds the maximum price for the scrap as set forth in Column III of Appendix A of this Schedule *plus* (b) the amount by which the current price of the returned processed material exceeds the current price of primary aluminum ingot *plus* (c) the amount paid for the scrap in any case in which the transaction takes the form of a purchase of scrap and a sale of processed material.*

§ 1302.4 *Evasion.* The price limitations set forth in this Schedule shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery or transfer of aluminum scrap or secondary aluminum ingot, alone or in conjunction with any other material, or by way of any commission, service, transportation or other charge or discount, premium or other privilege, or by tying-agreement or other trade understanding, or otherwise.*

§ 1302.5 *Records and reports.* (a) Every person making purchases or sales of aluminum scrap or secondary aluminum ingot shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of:

(1) Each such purchase or sale, showing the person from or to whom each such purchase or sale was made, the date thereof, the price paid or received, other terms of sale and shipment, and the quantity in pounds and the quality by grades of aluminum scrap or secondary aluminum ingot involved; and

(2) At the close of each month, the amount in pounds of each grade of aluminum scrap and secondary aluminum ingot (i) on hand, (ii) on purchase order, and (iii) committed to be sold.

(b) Persons affected by this Schedule shall submit such reports to the Office of Price Administration as it may, from time to time, require.*

§ 1302.6 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record requirements, or other provisions of this Schedule, or in the event of any evasion or attempt to evade the price limitations or other provisions of this Schedule, the Office of Price Administration will make every effort to assure (a) that the Congress and the public are fully informed thereof, (b) that the powers of Government, both state and federal, are fully exerted in order to protect the public interest and interests of those persons who comply with this Schedule, (c) that full advantage will be taken of the cooperation of the various political subdivisions of state, county, and local governments by calling to the attention of the proper authorities, failures to comply with this Schedule which may be regarded as grounds for the revocation of licenses and permits, and (d) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with this Schedule. Persons who have evidence of the offer, receipt, demand or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation, or manipulation of prices of aluminum scrap or secondary aluminum ingot, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1302.7 *Modification of the schedule.* Persons complaining of hardship or inequity in the operation of this Schedule may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided,* That no application under this section will be considered unless the person making such application shall have, to the satisfaction of the Office of Price Administration, complied with this Schedule.*

§ 1302.8 *Definitions.* When used in this Schedule, the term

(a) "Person" means an individual, partnership, association, corporation or other business entity;

(b) "Aluminum scrap" means the grades of aluminum scrap set forth in Appendix A hereof;

(c) "Secondary aluminum ingot" means the grades of secondary aluminum ingot set forth in Appendix B hereof.*

§ 1302.9 *Effective date.* This Schedule, as amended, shall become effective November 1, 1941. Shipments of aluminum scrap and secondary aluminum ingot made prior thereto shall be governed by the terms of this Schedule which were in effect on the date of shipment.*

Issued this 31st day of October 1941.

LEON HENDERSON,
Administrator.

§ 1302.10 *Appendix A, maximum prices for aluminum scrap*

[F. o. b. point of shipment]

Grade of aluminum scrap [1]	I Maximum price (per pound) in lots of less than 1,000 pounds	II Maximum price (per pound) in lots of 1,000 to 20,000 pounds (if shipped by truck) or 1,000 to minimum carload (if shipped by rail)[2]	III Maximum price (per pound) in lots of 20,000 pounds or more (if shipped by truck) or minimum carload (if shipped by rail)[2]
	Cents	*Cents*	*Cents*
Pure clips and cable [3]	10	11	11½
Alloy sheet clips, mixed or segregated	8½	9½	10
Old sheet and utensils	9½	10½	11
Cast scrap and forged scrap, old and new	10	10½	11
Borings and turnings, including No. 12	7	8	8½
Pistons free of struts	10	10½	11
Pistons with struts	8	8½	9

[1] These prices apply to scrap which is clean and dry and which otherwise meets generally accepted maximum standards of the trade. Scrap which fails to meet such standards should be sold at prices below the above ceilings at least in proportion to the content of moisture and other foreign matter.

[2] These quantities may consist of various grades of aluminum scrap; other metals may not enter into the computation. It will be considered that the requisite quantity has been sold and shipped, in case delivery is made by truck, if such quantity is sold in one lot and delivery is made within a period of seventy-two consecutive hours. A minimum carload is the minimum quantity required to obtain the railroad carload rate from the point of shipment to the destination.

[3] Aluminum foil and light gauge aluminum sheet which does not exceed 0.006 of an inch in thickness is not considered within this Price Schedule.

*

§ 1302.11 *Appendix B, maximum prices for secondary aluminum ingot*

(F. o. b. point of shipment)

Grade of secondary aluminum ingot:	*Maximum price (per pound) in quantities of 30,000 pounds or more (cents)*
98 percent pure aluminum ingot	15
Silicon alloys	15
Piston alloys	14½
No. 12 aluminum	14½
Deoxidizing aluminum	13½

Quantity Differentials

The following premiums may be charged, in addition to the maximum prices set forth above, where sales are in the quantities specified:

Quantity:	*Premium (cent per pound)*
10,000 to 30,000 pounds	¼
1,000 to 10,000 pounds	½
Less than 1,000 pounds	1

*

[F. D. Doc. 41-8204; Filed, October 31, 1941; 11:59 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

CHAPTER I—VETERANS' ADMINISTRATION

PART 25—MEDICAL

TRANSPORTATION AND TRAVELING EXPENSES OF CLAIMANTS AND BENEFICIARIES

§ 25.6102 *Transportation: Hospital and domiciliary care.*

* * * * *

(e) Transportation and necessary meal and lodging requests to cover return travel from a facility will not be supplied unless all necessary hospital observation, examination, or treatment has been completed and regular discharge made. Transportation to effectuate readmission for hospitalization subsequent to an uncleared infraction of discipline will not be supplied until the prescribed period of exclusion from rehospitalization has elapsed. The provisions hereof will apply equally to domiciliary care. (November 1, 1941) (Sec. 7, 48 Stat. 9; 38 U.S.C. 707)

* * * * *

§ 25.6106 *Purposes for which traveling expenses are to be authorized.*

* * * * *

(g) The furnishing of transportation, meal and lodging requests to cover the rehospitalization of a beneficiary who has an uncleared discharge from a facility because of an infraction of discipline is not authorized except (1) when the rehospitalization is for an initial period of observation with examination, made for the convenience and upon the motion of the Veterans' Administration; or (2) if hospital readmission is required because of a medical emergency. Transportation to effect such emergency rehospitalization will not be furnished except when the applicant alleges inability to defray such expense, in which event he will be required to execute an affidavit as provided in currently approved medical procedure. That affidavit will entitle him to return transportation to the point from which he proceeded, upon his discharge following termination of the medical emergency. (November 1, 1941) (Sec. 7, 48 Stat. 9; 38 U.S.C. 707)

[SEAL] FRANK T. HINES, *Administrator.*

[F. R. Doc. 41-8170; Filed, October 30, 1941; 3:11 p. m.]

Notices

WAR DEPARTMENT.

[Contract No. W 535 ac-20633; 5393]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: JACOBS AIRCRAFT ENGINE COMPANY, POTTSTOWN, PENNSYLVANIA

Contract for: * * * Aeronautical Engines, Spare Parts Therefor, and Data.

Amount: $6,006,577.50.

Place: Materiel Division, Air Corps, U. S. Army, Wright Field, Dayton, Ohio.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to the following Procurement Authorities, the available balances of which are sufficient to cover cost of same:

AC 32 P 12-30 A 0705-2
AC 17 P 81-30 A 0705-2
AC 18 P 82-30 A 0705-2

This contract,[1] entered into this 6th day of September 1941.

ARTICLE 1. *Scope of this contract.* The contractor shall furnish and deliver * * * aeronautical engines, spare parts therefor and data for the consideration stated six million six thousand five hundred seventy-seven dollars and fifty cents ($6,006,577.50) in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

ART. 2. *Changes.* Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

ART. 5. *Delays—Damages.* If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

ART. 8. *Payments.* The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles

[1] Approved by the Under Secretary of War Sept. 17, 1941.

delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

ART. 25A. *Advance payments.* Advance payments may be made from time to time for the supplies called for, when the Secretary of War deems such action necessary in the interests of the National Defense: *Provided, however,* That the total amount of money so advanced shall not exceed 30 percentum of the contract price of the articles called for, and that such advances, if made, shall be upon such terms and conditions and with such adequate security as the Secretary of War shall prescribe.

ART. 26. *Termination when contractor not in default.* If, in the opinion of the contracting officer upon the approval of the Secretary of War, the best interests of the Government so require, this contract may be terminated by the Government, even though the contractor be not in default, by a notice in writing relative thereto from the contracting officer to the contractor.

ART. 36. *Price adjustment.* The contract prices stated in this contract for aeronautical engines and spare parts are subject to adjustments for changes in labor and material costs.

General. It is expressly agreed that quotas for labor will not be altered on account of delays in the completion of the aeronautical engines and spare parts.

This contract authorized under the provisions of section 1 (a), Act of July 2, 1940 and section 9, Act of June 30, 1941.

FRANK W. BULLOCK,
Lt. Col., Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41-8173; Filed, October 31, 1941; 9:50 a. m.]

[Contract No. W 535 ac-20222; 5272]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: SWITLIK PARACHUTE & EQUIPMENT CO., TRENTON, NEW JERSEY

Contract for: Parachutes and Parachute Equipment.

Amount: $1,787,055.00.

Place: Materiel Division, Air Corps, U. S. Army, Wright Field, Dayton, Ohio.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to Procurement Authority AC 30 P 85-30 A 0705-12, the available balance of which is sufficient to cover cost of same.

This contract,[1] entered into this 28th day of July, 1941.

Scope of this contract. The contractor shall furnish and deliver parachutes and parachute equipment for the consideration stated one million seven hundred eighty-seven thousand fifty-five dollars ($1,787,055.00) in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

Changes. Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

Delays—Damages. If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

Termination when contractor not in default. If, in the opinion of the contracting officer upon the approval of the Secretary of War, the best interests of the Government so require, this contract may be terminated by the Government, even though the contractor be not in default, by a notice in writing relative thereto from the contracting officer to the contractor.

This contract authorized under the provisions of section 1 (a), Act of July 2, 1940 and section 9, Act of June 30, 1941.

FRANK W. BULLOCK,
Lt. Col., Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41-8174; Filed, October 31, 1941; 9:50 a. m.]

[Contract No. W 535 ac-272]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: VULTEE AIRCRAFT, INC., VULTEE FIELD, CALIF.

Contract for: Airplanes, Spare Engines, Propellers and Parts, and Data.

Amount: $12,384,083.37.

Place: Matériel Division, U. S. Army, Wright Field, Dayton, Ohio.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to the following Procurement Authority the available balance of which is sufficient to cover cost of same: AC 810 P 112-30 A 0021-13.

This contract,[1] entered into this 31st day of July, 1941.

ARTICLE 1. *Scope of this contract.* The contractor shall furnish and deliver Airplanes, Spare Engines, Propellers and Parts and Data for the consideration stated twelve million three hundred eighty-four thousand eighty-three dollars thirty-seven cents ($12,384,083.37) in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

ART. 2. *Changes.* Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

ART. 5. *Delays—Damages.* If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

ART. 8. *Payments.* The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

Partial payments will be made as the work progresses at the end of each calendar month or as soon thereafter as practicable on authenticated statements of expenditures of the Contractor approved by the Contracting Officer.

ART. 20. *Advance payments.* Advance payments may be made from time to time for the supplies called for, when the Secretary of War deems such action necessary in the interest of the National Defense: *Provided, however,* That the total amount of money so advanced shall not exceed 30 per centum of the contract price of the articles called for, and that such advances, if made, shall be upon such terms and conditions and with such adequate security as the Secretary of War shall prescribe.

ART. 22. *Price adjustment.* The contract prices stated in this contract for airplanes, spare engines, propellers and parts are subject to adjustments for changes in labor costs.

[1] Approved by the Under Secretary of War Sept. 6, 1941.

[1] Approved by the Under Secretary of War, September 17, 1941.

General. It is expressly agreed that quotas for labor will not be altered on account of delays in the completion of the airplanes, spare engines, propellers and parts.

ART. 27. *Title to property where partial payments are made.* The title to all property upon which any partial payment is made prior to the completion of this contract, shall vest in the Government.

ART. 29. *Fire insurance.* The Contractor agrees to insure against fire all property in its possession upon which a partial payment is about to be made, such insurance to be in a sum at least equal to the amount of such payment plus all other partial payments, if any, theretofore made thereon, and further agrees to keep such property so insured, free of cost to the Government, until the same is delivered to the Government.

ART. 32. *Termination when contractor not in default.* If, in the opinion of the contracting officer upon the approval of the Secretary of War, the best interests of the Government so require, this contract may be terminated by the Government, even though the contractor be not in default, by a notice in writing relative thereto from the contracting officer to the contractor.

This contract authorized under the provisions of section 1 (a), Act of July 2, 1940, and section 9, Act of June 30, 1941.

FRANK W. BULLOCK,
Lt. Col., Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41-8175; Filed, October 31, 1941; 9:49 a. m.]

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. B-62]

IN THE MATTER OF J. E. DICKINSON AND S. E. TIGERT, PARTNERS DOING BUSINESS AS DICKINSON FUEL COMPANY, REGISTERED DISTRIBUTOR, REGISTRATION NO. 2323, RESPONDENT

NOTICE OF AND ORDER FOR HEARING

1. The Bituminous Coal Division finds it necessary in the proper administration of the Bituminous Coal Act of 1937 (the "Act"), to determine:

(a) Whether or not J. E. Dickinson and S. E. Tigert, partners doing business as the Dickinson Fuel Company, Registered Distributor, Registration No. 2323, whose address is 709-10 Southwestern Life Building, Dallas, Texas, the Respondent in the above-entitled matter, has violated any provisions of the Act, the Marketing Rules and Regulations, and Rules and Regulations for the Registration of Distributors and the Distributors' Agreement (the "Agreement"), executed July 24, 1940, by Respondent, pursuant to Order of the Bituminous Coal Division, dated June 19, 1940, in General Docket No. 12; and

(b) Whether or not the registration of said distributor should be revoked or suspended or other appropriate penalties should be imposed;

and for said purposes gives notice that the Division has information to the effect that:

2. Respondent is a partnership, organized in the State of Texas, in the year 1919, consisting of J. E. Dickinson and S. E. Tigert, partners, doing business as the Dickinson Fuel Company.

3. During the period from May 19, 1941, to June 6, 1941, both dates inclusive, the Respondent while acting in the capacity of sales agent for the code member producers listed below, prepaid the railroad transportation charges on approximately 193 net tons of various sizes of coal, shipped to the companies as indicated below, thereby violating section 4 II (h) and section 4 II (i) 3 of the Act, Rule 1 (J) of section VII and Rule 3 of section XIII of the Marketing Rules and Regulations, and paragraphs (c) and (e) of the Agreement.

Producer	Consumer	Date of shipment	Approximate tonnage
(Troughber Coal Co.) O. D. Troughber	Gunther Hatchery & Feed Co., Gunther, Tex.	June 6, 1941	21
(Troughber Coal Co.) O. D. Troughber	W. R. Sharpe, Wolfe City, Tex	May 24, 1941	22
(Troughber Coal Co.) O. D. Troughber	W. S. Wood, Rule, Tex	May 24, 1941	25
Gore-Hoover Coal Co	Emmett Tilley, Colorado City, Tex	May 19, 1941	30
Gore-Hoover Coal Co	Bledsoe Feed & Fuel Co., San Angelo, Tex	May 23, 1941	36
Pocahontas Producer Coal Co	City Fuel Co., San Angelo, Tex	May 24, 1941	29
Pocahontas Producer Coal Co	Sterling Feed & Fuel Co., Sterling City, Tex.	May 24, 1941	30

4. Respondent solicited on the basis of a guaranteed analysis and obtained two contracts with the War Department of the United States Government, on or about March 6, 1941, and June 16, 1941, respectively (Government's invitations for bids numbered 503-41-266 and 503-41-320 respectively) for coal to be supplied at Fort Sill, Oklahoma, although the Respondent failed to file with the Field Office for District No. 15, the analyses used by it in the above transactions, thereby violating Rules 1 and 5 of section VIII of the Marketing Rules and Regulations and paragraph (e) of the Agreement.

5. Respondent failed to file with the Field Office for District No. 15, copies of the contracts referred to in Paragraph 4 hereof, as required by Rule 7 of section VI of the Marketing Rules and Regulations, thereby violating said Rule 7 of section VI of the Marketing Rules and Regulations and paragraph (e) of the Distributors Agreement.

6. Respondent during the period October 10, 1940, to May 31, 1941, both dates inclusive, sold and shipped by rail large quantities of coal to approximately 325 purchasers and extended by agreement, express or implied, with said purchasers the dates of payment for such coal beyond the twentieth (20th) day of the month following the month in which said shipments were made, without charging and collecting from said purchasers interest at the rate of not less than 5 percent per annum thereby violating the price and fair trade practice provisions of the Act, particularly section 4 II (h) and paragraph 7 of section 4 II (i) of the Act; Rules 1 (J) and 1 (I) of section VII and Rule 7 of section XIII of the Marketing Rules and Regulations; and paragraphs (c) and (e) of the Agreement.

7. Respondent acting as sales agent for Baskin & Stubblefield, code member, operating the Baskin & Stubblefield Mine, Mine Index No. 425, located in Pittsburg County, Oklahoma, in District No. 15, accepted and retained commissions of one dollar per net ton on approximately six (6) cars of coal of various sizes, produced at the aforesaid mine and sold by Respondent on behalf of said code member and delivered during the period from January 7, 1941, to July 14, 1941, both dates inclusive. Said commissions were and are in excess of the maximum discounts allowable to a registered distributor on such transactions as established by Order of Director, dated June 19, 1940, in General Docket No. 12, and were paid by said code member pursuant to a sales agency agreement between Respondent and said code member, dated July 27, 1940. Said Sales Agency Agreement in fact was entered into subsequent to August 8, 1940, to wit, during the month of October 1940, and said commissions were paid although at the time of said transactions, said code member had not filed an application for permission to pay commissions in excess of the maximum discounts allowable to a registered distributor, as required by Rule 13 of section II of the Marketing Rules and Regulations. Respondent accordingly participated in transactions in violation of said Rule 13 of section II of the Marketing Rules and Regulations and thereby violated paragraph (e) of the Agreement.

8. Respondent sold and shipped by rail the coal referred to in paragraph 7 hereof, when at the time of said transactions, said code member had no classifications or prices for shipment by rail of the coal so sold and had not filed a petition pursuant to section 4 II (d) of the Act for the establishment of such prices. Respondent thereby violated Order of the Director, dated October 9, 1940 in General Docket No. 19, and paragraph (e) of the Agreement.

9. Respondent acting as sales agent for O. D. Troughber, code member, operating the Troughber No. 2 Mine, Mine Index No. 153, located in Pittsburg

County, Oklahoma in District No. 15, accepted and retained commissions ranging from 47 cents to $1.25 per net ton, on approximately thirty two (32) cars of coal of various sizes, produced at the aforesaid mine, and sold by Respondent on behalf of said code member, and delivered during the period from January 10, 1941, to July 7, 1941, both dates inclusive. Said commissions were and are in excess of the maximum discounts allowable to a registered distributor on said transactions, as established by Order of the Director, dated June 19, 1940, in General Docket No. 12, and were paid by said code member pursuant to a sales agency agreement between Respondent and said code member, dated March 8, 1940. Said Sales Agency Agreement was entered into subsequent to August 8, 1940, to wit, during the month of October 1940, and said commissions were paid although at the time of said transactions, said code member had not filed an application for permission to pay commissions in excess of the maximum discounts allowable to a registered distributor, as required by Rule 13 of section II of the Marketing Rules and Regulations. Respondent accordingly participated in transactions in violation of Rule 13 of section II of the Marketing Rules and Regulations and thereby violated paragraph (e) of the Agreement.

10. Respondent acting as sales agent for Gore & Hoover Coal Company, code member, operating the Gore & Hoover Mine, Mine Index No. 151, located in Lattiner County, Oklahoma, in District No. 15 accepted and retained commissions ranging from $.95 per net ton to $2.25 per net ton, on approximately fourteen (14) cars of coal of various sizes, produced at the aforesaid mine, sold by Respondent on behalf of said code member, and delivered during the period from January 2, 1941, to April 10, 1941, both dates inclusive. Said commissions were and are in excess of the maximum discounts allowable to a registered distributor on such transactions, as established by Order of the Director, dated June 19, 1940, in General Docket No. 12, and were paid by said code member pursuant to a sales agency agreement between Respondent and said code member, dated April 6, 1940. Said Sales Agency Agreement in fact was entered into subsequent to August 8, 1940, to wit, during the month of October 1940, and said commissions were paid although at the time of said transactions, said code member had not filed an application for permission to pay commissions in excess of the maximum discounts allowable to a registered distributor as required by Rule 13 of section II of the Marketing Rules and Regulations. Respondent accordingly participated in transactions in violation of rule 13 of section II of the Marketing Rules and Regulations, and thereby violated paragraph (e) of the Agreement.

11. Respondent acting as sales agent for McNabb Coal Company, code member, operating the McNab Mine, Mine Index No. 823, located in Rogers County, Oklahoma, in District No. 15 accepted and retained commissions ranging from $.49 per net ton to $2.70 per net ton, on approximately forty four (44) cars of coal of various sizes produced at the aforesaid mine, sold by Respondent on behalf of said code member, and delivered during the period from April 15, 1941, to June 18, 1941, both dates inclusive. Said commissions were and are in excess of the maximum discounts allowable to a registered distributor on such transactions, as established by Order of the Director, dated June 19, 1940, in General Docket No. 12, and were paid by said code member pursuant to a sales agency agreement entered into between Respondent and said code member subsequent to August 8, 1940, to wit, April 8, 1941, although said code member had not filed an application pursuant to Rule 13 of section II of the Marketing Rules and Regulations, for permission to pay commissions in excess of the discounts allowable to a registered distributor until May 19, 1941, and although said coal was sold and delivered prior to the date when thirty (30) days had elapsed from the date of the filing of said application, without action being taken thereon by the Division. Respondent accordingly participated in the above transactions which constituted violations of Rule 13 of section II of the Marketing Rules and Regulations and thereby violated paragraph (e) of the Agreement.

It is, therefore, ordered, That a hearing pursuant to § 304.14 of the Rules and Regulations for the Registration of Distributors, to determine whether the registration of said distributor should be revoked or suspended, or other appropriate penalties be imposed, be held on November 18, 1941, at 10 a. m. in a hearing room of the Bituminous Coal Division, U. S. Court Room, Federal Building, McAlester, Oklahoma.

It is further ordered, That Joseph D. Dermody or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at the hearing is hereby authorized to conduct said hearing, administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said Respondent and to all other parties herein and to all persons and entities having an interest in such proceeding.

Notice is hereby given that answer to the charges contained herein must be filed with the Bituminous Coal Division at its Washington Office or with any one of the statistical bureaus of the Division, within ten (10) days after date of service thereon on the Respondent; and that any Respondent failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted said charges and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged herein, other matters incidental and related thereto, whether raised by amendment, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

Dated: October 29, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-8178; Filed, October 31, 1941; 10:13 a. m.]

[Docket No. 1814-FD]

IN THE MATTER OF DAVIS & DAVIS (HOMER DAVIS AND CHARLES DAVIS), A PARTNERSHIP, CODE MEMBER, DEFENDANTS

NOTICE OF AND ORDER FOR HEARING

A complaint dated June 28, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on July 24, 1941, by Bituminous Coal Producers Board for District No. 11, a District Board, complainant, with the Bituminous Coal Division alleging wilful violation by the defendants of the Bituminous Coal Code or rules and regulations thereunder; and said complaint having been amended, by Order of the Director, dated September 8, 1941, upon motion of the complainant dated August 25, 1941;

It is ordered, That a hearing in respect to the subject matter of such amended complaint be held on December 16, 1941, at 10 a. m. at a hearing room of the Bituminous Coal Division at the Post Office Building, Terre Haute, Indiana.

It is further ordered, That Joseph D. Dermody or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said

hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendants and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the amended complaint.

Notice is hereby given that answer to the amended complaint must be filed with the Bituminous Coal Division at its Washington Office or with any one of the field offices of the Division, within twenty (20) days after date of service thereof on the defendants; and that any defendant failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted the allegations of the amended complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the amended complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the amended complaint filed by said complainant, alleging wilful violation by the above-named defendants of the Bituminous Coal Code or rules and regulations thereunder as follows: (1) that the defendants, whose address is R. R. No. 1, Farmersburg, Indiana, during the period October 1, 1940 and June 28, 1941, both dates inclusive, have sold to various purchasers, as mine run coal, substantial quantities of 1¼" lump coal produced at defendants' Little Wonder Mine, Mine Index No. 638, at a price of $1.80 per net ton f. o. b. said mine whereas such coal is classified as Size Group 6 and priced at $2.20 per net ton f. o. b. said mine, as contained in the Schedule of Effective Minimum Prices for District No. 11 for Truck Shipments; (2) that on or about January 30, 1941, defendants sold 4 tons of such 1¼" lump coal at $1.80 per net ton f. o. b. defendants' Little Wonder Mine, delivered to the City Hall at Sullivan, Indiana, by Lee Reno Williams, whereas the applicable minimum price for said coal is $2.20 per net ton f. o. b. the mine as set forth in said schedule referred to in paragraph (1) above.

Dated: October 29, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-8179; Filed, October 31, 1941; 10:13 a. m.]

[Docket No. A-1015, Part II]

PETITION OF DISTRICT BOARD NO. 1 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF HUBER STREET COAL COMPANY, MINE INDEX NO. 1540, LEROY HUBLER (ALDER RUN MINING CO.), MINE INDEX NO. 878, AND F. J. TROUTMAN, MINE INDEX NO. 848 IN DISTRICT NO. 1

MEMORANDUM OPINION AND ORDER MODIFYING ORDER OF OCTOBER 7, 1941 AND GRANTING IN PART TEMPORARY RELIEF

The original petition in the above-entitled matter filed with this Division, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, requests the issuance of orders establishing temporary and permanent price classifications and minimum prices for the coals of certain mines in District No. 1.

As indicated in the Order of October 7, 1941, in the above-entitled matter, the Director was of the opinion that the original petitioner had not set forth sufficient facts to warrant the establishment of permanent price classifications and minimum prices for the mixing of the coals of the producers named in that Order including, among others, Hastings Fuel Company, for all shipments except truck, without a hearing. The said Order provided for the holding of a hearing on November 10, 1941 in the above-entitled matter.

Subsequently a motion was filed by petitioner setting forth additional facts as to the mixing of the coals of Mine Index Nos. 207 and 877 of Hastings Fuel Company, a code member in District No. 1, and requesting that the Director grant temporary relief, pending a hearing, as to the mixing of the coals of the said mine.

From the said motion it appears that the coals of the said mines are similarly classified for all shipments except truck, and that the granting of permission to mix the said coals is essential, owing to operating conditions, to maintain the production of this producer, and that the petitioner has made a reasonable showing of the necessity for the granting of temporary relief and the establishment of temporary price classifications and minimum prices for the mixing of the coals of Hastings Nos. 1 and 2 Mines, Mine Index Nos. 202 and 877, for all shipments except truck, pending final disposition of the above-entitled matter.

Now, therefore, it is ordered, That pending further order of the Director in the above-entitled matter; temporary relief be, and it hereby is, granted as follows: Commencing forthwith the Schedule of Effective Minimum Prices for District No. 1, For All Shipments Except Truck, is supplemented to include the establishment of Price Classifications "C" for the mixing of the coals of Hastings No. 1 Mine, Mine Index No. 202, and Hastings No. 2 Mine, Mine Index No. 877, in Size Groups 1 to 5, inclusive.

Notice is hereby given that applications to stay, terminate or modify the temporary relief herein granted may be filed pursuant to the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in proceedings instituted pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

Dated: October 28, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-8180; Filed, October 31, 1941; 10:13 a. m.]

DEPARTMENT OF AGRICULTURE.

Agricultural Marketing Service.

[P. & S. Docket No. 1437]

IN RE: THE BADGER LIVESTOCK SALES, INC., BOOTH BROTHERS, INC., JOHN P. BRUEMMER & SONS, INC., CLOUGH, COOK & COMPANY, A CORPORATION, HOLMES & ROBINSON, INC., G. B. VAN NORMAN COMPANY, A CORPORATION, AND THE EQUITY COOPERATIVE LIVESTOCK SALES ASSOCIATION, INC., RESPONDENTS

ORDER OF INQUIRY, ORDER OF SUSPENSION AND NOTICE OF HEARING

This proceeding is instituted pursuant to the provisions of Title III of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. and Sup. V, §§ 181–231), and the following allegations are made:

1. The respondents, Badger Livestock Sales, Inc., Booth Brothers, Inc., John P. Bruemmer & Sons, Inc., Clough, Cook & Company, a corporation, Holmes & Robinson, Inc., G. B. Van Norman Company, a corporation, and the Equity Co-operative Livestock Sales Association, Inc., are registered as market agencies under the act and are engaged in the business of buying and/or selling livestock in commerce on a commission basis at the Milwaukee Stock Yards, Milwaukee, Wisconsin, a stockyard posted under the act.

2. Pursuant to the provisions of the act, the respondents have heretofore filed and put into effect schedules of rates and charges for services rendered by them as market agencies.

3. On or about October 23, 1941, the respondents made, filed, and published, effective November 3, 1941, a new schedule of rates and charges for their services which are materially greater than those contained in their present tariffs now on file.

4. Upon examination of the records and other information in possession of the Department of Agriculture, there is reason to believe that the increases in the rates and charges proposed by such new schedules are not justified and that such increases are, in fact, unreasonable and unlawful.

It is concluded that a proceeding under Title III of the act should be held for the purpose of determining the reasonableness and the lawfulness of the rates and charges of the respondents and of any rule, regulation, or practice affecting such rates and charges, and whether any stockyard service is rendered by the respondents without making a lawful charge therefor, and that, pending a hearing and decision on such proceeding, the operation of the respondents' tariffs filed on or about October 23, 1941, should be suspended and their use deferred.

It is therefore ordered, That the operation and use of the tariffs filed by the respondents on or about October 23, 1941, shall be and are hereby suspended and deferred until the expiration of thirty days from and after the time such schedules would otherwise go into effect.

It is further ordered, That notice to the respondents shall be and is hereby given that a hearing covering the allegations made herein will be held before an examiner, at a time and place of which the respondents will have at least ten days notice. At such hearing, the respondents, and all other interested persons, will have a right to appear and present such evidence with respect to the matters and things alleged as may be relevant and material.

It is further ordered, That any and all interested persons who may wish to appear and present evidence relative to the issues in this proceeding shall give notice thereof by filing a statement to that effect with the Hearing Clerk, Office of the Solicitor, Department of Agriculture, Washington, D. C., on or before the 18th day of November 1941.

It is further ordered, That a copy hereof shall be served upon the respondents by registered mail.

It is further ordered, That this order shall be published in the FEDERAL REGISTER.

Done at Washington, D. C., this 30th day of October 1941. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Assistant Secretary of Agriculture.

[F. R. Doc. 41-8191; Filed, October 31, 1941; 11:42 a. m.]

CIVIL AERONAUTICS BOARD.

[Docket Nos. 303, 460, 427, 429, 591]

IN THE MATTER OF THE APPLICATIONS OF TRANSCONTINENTAL & WESTERN AIR, INC., CHICAGO AND SOUTHERN AIR LINES, INC., AND EASTERN AIR LINES, INC.

NOTICE OF POSTPONEMENT OF HEARING

Please take notice that pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 401 and 1001 of said Act, public hearing in the above-entitled proceeding, being the applications of Transcontinental & Western Air, Inc., for a certificate authorizing air transportation between Indianapolis, Ind., and Detroit, Mich., and for an amendment of its existing certificate on route No. 2 to include Terre Haute, Ind., as an intermediate point; the applications of Chicago and Southern Air Lines, Inc., for certificates authorizing air transportation between St. Louis, Mo., and Detroit, Mich., and between Memphis, Tenn., and Detroit, Mich.; and the application of Eastern Air Lines, Inc., for a certificate authorizing air transportation between Memphis, Tenn., and Detroit, Mich., now assigned for November 3, 1941, is hereby postponed to January 12, 1942, 10:00 o'clock a. m. (Eastern Standard Time) in Room 7057, Commerce Building, 14th Street and Constitution Avenue N W.,Washington, D. C., before Examiner Thomas L. Wrenn.

Dated Washington, D. C., October 31, 1941.

By the Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 41-8202; Filed, October 31, 1941; 11:54 a. m.]

FEDERAL SECURITY AGENCY.

Food and Drug Administration.

[Docket No. FDC-34]

IN THE MATTER OF A DEFINITION AND STANDARD OF IDENTITY FOR EACH OF THE FOLLOWING FOODS: ICE CREAM; FROZEN CUSTARD; SHERBET; WATER ICES; AND RELATED FOODS

NOTICE OF HEARING

Notice is hereby given that the Administrator of the Federal Security Agency, upon his own initiative and in accordance with the provisions of the Federal Food, Drug, and Cosmetic Act, secs. 401 and 701, 21 U.S.C. secs. 341 and 371 (Sup. V, 1939), will hold a public hearing commencing at 10 o'clock in the morning of December 1, 1941, in Room 1039, South Building, Independence Avenue, between 12th and 14th Streets SW., Washington, D. C., for the purpose of receiving evidence upon the basis of which regulations may be promulgated fixing and establishing a definition and standard of identity for each of the foods named in the caption hereof. Proposals, which are for the purpose of giving notice of the subject matter to be considered and giving direction to the hearing, are set forth below. Interested persons are notified that the hearing is a fact-finding proceeding, after which it will be determined in accordance with the Act whether definitions and standards of identity should be established for the foods referred to herein and what the provisions of any such definitions and standards should be. It is not to be inferred from the fact that proposals are made that they represent the views of the Federal Security Agency or that the evidence to be adduced by the Agency will support each such proposal.

Such proposals are that there be established definitions and standards of identity for the following foods: ice cream; frozen custard; sherbet; water ices; and all other foods, such as ice milk, composed of the same ingredients, or of substitutes for, or supplements to, such ingredients in whole or in part, and prepared in the same general manner as any one of such named foods, including preparation by alteration of the relative proportions of such ingredients, substitutes, or supplements. Further proposals are that definitions and standards of identity be established for other foods of the same class as the foregoing foods, to which have been added in the process of preparation, in such significant amounts as to characterize such other foods, such ingredients as vitamins and minerals, coffee, mint flavoring and acids. There are set forth below definitions and standards of identity for the foods ice cream, frozen custard, sherbet, and water ices, which are suggestive of the type of definitions and standards of identity which may be adopted upon the basis of the evidence received at the hearing. It is suggested that such definitions and standards of identity as may be established for other foods to which this notice relates name such foods (for example, mint ice, coffee ice) and conform as nearly as may be to the form of the definitions and standards of identity hereinafter proposed.

The suggested definitions and standards of identity are subject to adoption, rejection, amendment, or modification, in whole or in part, as the evidence of record at the hearing may require.

§ 19.000 *Ice Cream; Identity: Label statement of optional ingredients.* (a) Ice cream is the food prepared with one of the optional dairy ingredients specified in paragraph (b), sweetened with one or more of the optional saccharine ingredients specified in paragraph (c). Subject to the conditions hereinafter prescribed, one or more of the optional ingredients indicated under the following subparagraphs (1) to (9), inclusive, and under paragraph (c) (5) to (8), inclusive, is used:

(1) Ground spice, ground vanilla beans, infusion of coffee or tea, any natural food flavoring;

(2) Any artificial food flavoring;

(3) Chocolate or cocoa; but if any such ingredient is used no ingredient or combination of ingredients under subparagraphs (1) and (2) is used, directly or as a component of any other ingredient, which imitates the flavor of chocolate (For the purposes of this provision the term "cocoa" means one or any combination of two or more of the following: cocoa; breakfast cocoa; defatted cocoa; the unpulverized residual material prepared by removing part of the fat from ground cacao nibs.);

(4) Properly prepared mature fruit, or the juice of such fruit, in such quantity

that the finished ice cream contains not less than 10 percent by weight of fruit or fruit juice or both, as the case may be; but if any such ingredient is used no ingredient or combination of ingredients under subparagraphs (1) and (2) is used, directly or as a component of any other ingredient (except as a component of artificially flavored maraschino-type cherries or of any confectionary which remains in pieces rather than being homogeneously distributed in the finished ice cream), which imitates the flavor of any fruit or fruit juice. (The fruit used may be fresh, frozen, or canned, except that dried currants, dried figs, dried dates, dried prunes, and raisins may be used. The fruit juice used may be fresh, canned, or concentrated. The requirement of this section in respect of the weight of fruit or fruit juice means the weight of fruit or fruit juice exclusive of the weight of any sweetening ingredient, water, or any other substance added for packing or canning, or otherwise added; and in the case of any fruit whose proper preparation requires the removal of pits, seeds, skins, cores, or other parts, the weight of such fruit after it is so prepared; and in the case of concentrated fruit juice, the original weight of the juice before it was concentrated; and in the case of dried fruit the weight thereof multiplied by 4.);

(5) Properly prepared nuts, in such quantity that the finished ice cream contains not less than 6 percent by weight of nuts; but if any such ingredient is used no ingredient or combination of ingredients under subparagraphs (1) and (2) is used, directly or as a component of any other ingredient, which imitates the flavor of any nut;

(6) Malted milk;

(7) Confectionery (For the purposes of this section the term "confectionery" means candy, cakes, cookies, or glaced fruits);

(8) Properly prepared cereal;

(9) Any distilled alcoholic beverage, including liqueurs, or any wine, or both; but if any such beverage or wine is used no ingredient or combination of ingredients under subparagraphs (1) and (2) is used, directly or as a component of any other ingredient, which imitates the flavor of any distilled alcoholic beverage or of any wine.

No ingredient or combination of ingredients under subparagraphs (1) and (2), whether added as such or as a component of any other ingredient, is used which imitates the flavor of milk, cream, butter, or egg. Any artificial flavoring in any chocolate, cocoa, maraschino-type cherries, confectionery, distilled alcoholic beverage, or other ingredient used, is an optional ingredient of the finished ice cream. Coloring may be added. One or more of the optional ingredients indicated under the following subparagraphs (10) and (11) may be used:

(10) Liquid eggs, frozen eggs, dried eggs, egg yolks, frozen yolks, dried yolks; but the total weight of egg solids in any such ingredient used singly, or in any combination of two or more such ingredients used (including any egg white used as authorized under subparagraph (11)), is less than ____ percent (to be fixed within the range of 1½ percent to 2 percent) of the weight of the finished ice cream;

(11) Gelatin, egg white, algin, locust bean gum, gum acacia, gum karaya, gum tragacanth, agar agar; but the total weight of the solids of any such ingredient used singly, or of any combination of two or more such ingredients used, is not more than 0.5 percent of the weight of the finished ice cream.

It may be seasoned with salt, and may be homogenized. It is frozen while being stirred.

The quantity of the optional dairy ingredient used, and its content of milk fat, are such that the weight of milk fat is not less than 12 percent of the weight of the finished ice cream; except that when one or more of the optional ingredients (other than malted milk) indicated in subparagraphs (3) to (9), inclusive, is used, the weight of milk fat is not less than 12 percent of the remainder obtained by subtracting the weight of such optional ingredients from the weight of the finished ice cream, but in no case is the weight of milk fat less than 10 percent of the weight of the finished ice cream. The finished ice cream contains not less than 1.6 pounds of total solids to the gallon, and weighs not less than 4.5 pounds to the gallon.

(b) The optional dairy ingredients referred to in paragraph (a) are cream; or cream and butter; or cream or butter or both combined with one or more of the following: milk, concentrated milk, evaporated milk, sweetened condensed milk, dried milk, skim milk, concentrated skim milk, evaporated skim milk, sweetened condensed skim milk, dried skim milk, sweetened skim milk which has been concentrated and from which part of the lactose has been removed. Water may be added to each such dairy ingredient, and each is pasteurized. The term "milk" as used herein means cows' milk.

(c) The optional saccharine ingredients referred to in paragraph (a) are:

(1) sugar;
(2) dextrose;
(3) invert sugar sirup;
(4) corn sirup, dried corn sirup;
(5) maple sirup, maple sugar;
(6) honey;
(7) brown sugar;
(8) molasses.

When any of optional saccharine ingredients (5) to (8), inclusive, is used, no ingredient or combination of ingredients under paragraph (a) (1) and (2) is used, directly or as a component of any other ingredient, which imitates the flavor of such saccharine ingredient.

(d) When any artificial flavoring is used, directly or as a component of any other ingredient, the label shall bear the statement "Artificially Flavored", or "Artificial Flavoring Added", or "With Added Artificial Flavoring", or in lieu thereof, in case the artificial flavoring is a component of another ingredient, "_____ Artificially Flavored", the blank being filled in with the name of such other ingredient. Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, such statement shall immediately and conspicuously precede or follow such name, without intervening written, printed, or other graphic matter, except that a word or words indicating the kind of the ice cream may so intervene.

§ 19.010 *Frozen custard, french ice cream, french custard ice cream; identity: Label statement of optional ingredients.* Frozen custard, french ice cream, french custard ice cream, conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for ice cream by § 19.000, except that one or more of the optional egg ingredients permitted by paragraph (a) (10) of such section are used in such quantity that the total weight of egg solids therein is ____ percent (to be fixed within the range of 1½ percent to 2 percent) or more of the weight of the finished frozen custard.

§ 19.020 *Sherbet; identity.* (a) Sherbet is the food prepared with one or more of the optional fruit ingredients specified in paragraph (b), an optional dairy ingredient specified in paragraph (c), sweetened with one or more of the optional saccharine ingredients sugar, dextrose, invert sugar sirup, corn sirup, and dried corn sirup. One or more of the optional ingredients indicated under the following subparagraphs (1) and (2) may be used:

(1) liquid eggs, frozen eggs, dried eggs, egg yolks, frozen yolks, dried yolks;

(2) gelatin, egg white, algin, locust bean gum, gum acacia, gum karaya, gum tragacanth, agar agar, pectin; but the total weight of the solids of any such ingredient used singly, or of any combination of two or more such ingredients used, is not more than 0.5 percent of the weight of the finished sherbet.

It may be seasoned with salt, and may be homogenized. It is frozen while being stirred. The weight of the optional fruit ingredient or mixture of fruit ingredients used is not less than ____ percent (to be fixed within the range of 10 percent to 20 percent) of the weight of the finished sherbet. The quantity of the optional dairy ingredient used, and its content of milk fat and total milk constituent solids, are such that the finished sherbet contains not less than 2 percent by weight of milk fat but less than 8 percent by weight of total milk constituent solids. The finished sherbet weighs not less than 6 pounds to the gallon.

(b) The optional fruit ingredients referred to in paragraph (a) are:

(1) Any fresh, canned or concentrated juice or mixture of juices of mature fruit;

(2) Any mature, properly prepared fruit or mixture of fruits, which may be fresh, frozen, or canned, and which is screened or crushed.

The requirement of this section in respect of the weight of fruit ingredients means the weight of fruit or fruit juice exclusive of the weight of any sweetening ingredient, water, or other substance added for packing or canning, or otherwise added; and in the case of any fruit whose proper preparation requires the removal of pits, seeds, skins, cores, or other parts, the weight of such fruit after it is so prepared; and in the case of concentrated fruit juice, the original weight of the juice before it was concentrated.

(c) The optional dairy ingredient referred to in paragraph (a) are cream, milk, concentrated milk, evaporated milk, sweetened condensed milk, or dried milk, or any combination of two or more of these, or any combination of one or more of these, with butter, or any combination of one or more of these or of butter with one or more of the following: skim milk, concentrated skim milk, evaporated skim milk, sweetened condensed skim milk, dried skim milk. Water may be added to each such dairy ingredient, and each is pasteurized. The term "milk" as used herein means cows' milk.

§ 19.030 *Water ices; identity.* (a) Water ices are the foods each of which is prepared from one or more of the optional fruit ingredients specified in paragraph (b), with or without added water, sweetened with one or more of the optional saccharine ingredients sugar, dextrose, invert sugar sirup, corn sirup, and dried corn sirup. One or more of the following optional ingredients may be used: gelatin, egg white, algin, locust bean gum, gum acacia, gum karaya, gum tragacanth, agar agar, pectin; but the total weight of the solids of any such ingredient used singly, or of any combination of two or more such ingredients used, is not more than 0.5 percent of the weight of the finished water ice. It is frozen while being stirred. The weight of the optional fruit ingredient or mixture of fruit ingredients used is not less than ____ percent (to be fixed within the range of 10 percent to 20 percent) of the weight of the finished water ice. The finished water ice weighs not less than 6 pounds to the gallon.

The optional fruit ingredients referred to in paragraph (a) are:

(1) Any fresh, canned, or concentrated juice or mixture of juices of mature fruit;

(2) Any mature, properly prepared fruit or mixture of fruits, which may be fresh, frozen, or canned, and which is screened or crushed.

The requirement of this section in respect of the weight of fruit ingredients means the weight of fruit or fruit juice exclusive of the weight of any sweetening ingredient, water, or other substance added for packing or canning, or otherwise added; and in the case of any fruit whose proper preparation requires the removal of pits, seeds, skins, cores, or other parts, the weight of such fruit after it is so prepared; and in the case of concentrated fruit juice, the weight of the original juice before it was concentrated.

(c) The name of each such water ice is "_____ Ice", the blank being filled in with the common name of the fruit or fruits from which the fruit ingredient or fruit ingredients used are obtained. When two or more fruit names are filled in, such names are in the order of predominance, if any, by weight of the respective fruit ingredients used.

All interested persons are invited to attend the hearing, either in person or by representative, and to offer evidence relative and material to the subject matter of this notice, including evidence upon the addition of any substitute or supplementary ingredients and upon the names of the product containing such ingredients.

Thomas C. Billig is hereby designated as Presiding Officer to conduct the hearing in the place of the Administrator with full authority to administer oaths and affirmations and do all other things appropriate to the conduct of the hearing.

The hearing will be conducted in accordance with the rules of practice provided for such hearings, as published in 21 Code of Federal Regulations §§ 2.701–2.715 (Supp. 1939).

In lieu of personal appearance, interested persons may offer affidavits by delivering the same to the presiding officer at Room 2242, South Building, Independence Avenue, between 12th and 14th Streets SW., Washington, D. C., not later than the day of the opening of the hearing. Such affidavits must be submitted in quintuplicate, and, if relevant and material, may be received and made a part of the record at the hearing, but the Administrator will consider the lack of opportunity for cross-examination in determining the weight to be given to statements made in affidavits. Every interested person will be permitted to examine the affidavits offered and to file counteraffidavits with the presiding officer.

Washington, D. C., October 30, 1941.

WATSON B. MILLER,
Acting Federal Security Administrator.

[F. R. Doc. 41–8186; Filed, October 31, 1941; 11:02 a. m]

Social Security Board.

CERTIFICATION TO THE UNEMPLOYMENT COMPENSATION COMMISSION OF THE STATE OF SOUTH DAKOTA PURSUANT TO SECTION 1602 OF THE INTERNAL REVENUE CODE

The Unemployment Compensation Commission of the State of South Dakota having duly submitted to the Social Security Board, pursuant to the provisions of section 1602 (b) (3) of the Internal Revenue Code, as amended, the South Dakota unemployment compensation law, as amended; and

The Social Security Board having considered the provisions of said law to determine whether or not reduced rates of contributions are allowable thereunder under conditions fulfilling the requirements of section 1602 of the Internal Revenue Code;

The Board hereby finds that:

(1) The said Act provides for the maintenance of reserve accounts as defined in section 1602 (c) (1) of the Internal Revenue Code, and

(2) Reduced rates of contributions under said Act to such reserve accounts are allowable only in accordance with the provisions of section 1602 (a) (3) of the Internal Revenue Code, as effective January 1, 1942.

Pursuant to the provisions of section 1602 (b) (3) of the Internal Revenue Code, the Board hereby directs that the foregoing findings be certified to the Unemployment Compensation Commission of the State of South Dakota.

[SEAL] SOCIAL SECURITY BOARD.
A. J. ALTMEYER,
Chairman.

OCTOBER 24, 1941.

Approved:

PAUL V. MCNUTT,
Administrator.

OCTOBER 30, 1941.

[F. R. Doc. 41–8185; Filed, October 31, 1941; 11:02 a. m.]

FEDERAL TRADE COMMISSION.

[Docket No. 4110]

IN THE MATTER OF MILFORD RIVET & MACHINE COMPANY, A CORPORATION

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 29th day of October, A. D. 1941.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41),

It is ordered, That Edward E. Reardon, a Trial Examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Tuesday, November 18, 1941, at ten o'clock in the forenoon of that day (eastern standard time), in Court Room No. 5, Twelfth Floor, Post Office Building, Boston, Massachusetts.

Upon completion of testimony for the Federal Trade Commission, the Trial Examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The Trial Examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 41-8194; Filed, October 31, 1941; 11:50 a. m.]

[Docket No. 4113]

IN THE MATTER OF TUBULAR RIVET & STUD COMPANY, A CORPORATION

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 29th day of October, A. D. 1941.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41),

It is ordered, That Edward E. Reardon, a Trial Examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Monday, November 17, 1941, at ten o'clock in the forenoon of that day (eastern standard time) in Court Room No. 5, Twelfth Floor, Post Office Building, Boston, Massachusetts.

Upon completion of testimony for the Federal Trade Commission, the Trial Examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The Trial Examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 41-8195; Filed, October 31, 1941; 11:50 a. m.]

[Docket No. 4560]

IN THE MATTER OF EDWIN B. STIMPSON COMPANY, A CORPORATION

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission held at its office in the City of Washington, D. C., on the 29th day of October, A. D. 1941.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41),

It is ordered, That Edward E. Reardon, a Trial Examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Tuesday, November 25, 1941, at ten o'clock in the forenoon of that day (eastern standard time) in Room 500, 45 Broadway, New York, New York.

Upon completion of testimony for the Federal Trade Commission, the Trial Examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The Trial Examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 41-8196; Filed, October 31, 1941; 11:50 a. m.]

[Docket No. 4564]

IN THE MATTER OF SHELTON TACK COMPANY, A CORPORATION

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 29th day of October, A. D. 1941.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41),

It is ordered, That Edward E. Reardon, a Trial Examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Wednesday, November 19, 1941, at ten o'clock in the forenoon of that day (eastern standard time), in Court Room No. 5, Twelfth Floor, Post Office Building, Boston, Massachusetts.

Upon completion of testimony for the Federal Trade Commission, the Trial Examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The Trial Examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 41-8197; Filed, October 31, 1941; 11:50 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-317]

IN THE MATTER OF PUBLIC SERVICE COMPANY OF INDIANA, INC., SUCCESSOR TO PUBLIC SERVICE COMPANY OF INDIANA, DRESSER POWER CORPORATION, CENTRAL INDIANA POWER COMPANY, NORTHERN INDIANA POWER COMPANY, AND TERRE HAUTE ELECTRIC COMPANY, INC.

ORDER PERMITTING TO BECOME EFFECTIVE A DECLARATION RE SOLICITATION IN CONNECTION WITH TRANSACTION WHICH IS SUBJECT TO AN APPLICATION OR DECLARATION

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 30th day of October, A. D. 1941.

A declaration having been filed by the above named party pursuant to Rules U-60 and U-62, adopted pursuant to the Public Utility Holding Company Act of 1935, with respect to the solicitation of assents or dissents on the part of the stockholders of Public Service Company of Indiana, Inc., to the proposed refunding by declarant of the Northern Indiana Power Company and Terre Haute Electric Company, Inc., outstanding bond issues, assumed by declarant, through the proposed issue of declarant's Series C Bonds, which proposals are the subject of declarations and applications pending herein and filed pursuant to sections 3 (d), 6, 7, 9, 10, and 12 (f) of the Act and Rules U-23, U-42, U-47, U-62, and U-65 thereunder; and

Declarant having requested that the effective date of the said declaration filed pursuant to Rules U-60 and U-62 be accelerated; and

The Commission being satisfied that to accelerate the effective date of the said declaration filed pursuant to Rules U-60 and U-62 is not detrimental to the public interest or the interests of investors or consumers:

It is ordered, That the said declaration filed herein pursuant to Rules U-60 and U-62 be, and the same hereby is, declared effective forthwith.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41-8187; Filed, October 31, 1941; 11:29 a. m.]

[File No. 70-400]

IN THE MATTER OF DENIS J. DRISCOLL AND WILLARD L. THORP, TRUSTEES OF ASSOCIATED GAS AND ELECTRIC CORPORATION, DEBTOR

SUPPLEMENTAL ORDER

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 30th day of October A. D. 1941.

The Commission having previously, by order entered October 10, 1941, permitted

to become effective a declaration filed by Denis J. Driscoll and Willard L. Thorp, as Trustees of Associated Gas and Electric Corporation, pursuant to the Public Utility Holding Company Act of 1935, and particularly section 7 thereof, with respect to the issue and sale by said declarants of $5,000,000 principal amount of Trustees' Certificates, bearing interest at the rate of 2.25% per annum, to Guaranty Trust Company of New York; said certificates having a maturity of two years from the date of issuance as to $4,000,000 thereof, and a maturity of one year from the date of issuance as to $1,000,000 thereof, and having other terms as more fully therein set forth; subject, however, to the conditions contained in Rule U-24, and to the further condition that said certificates should not be issued and said declaration should not become finally effective, except after approval of said certificates by the United States District Court for the Southern District of New York; and

Declarants having applied to the United States District Court for the Southern District of New York for approval of said certificates, and having obtained such approval; and declarants having filed, as Amendment No. 4, to said declaration, a copy of the certificate as approved by said United States District Court for the Southern District of New York, which certificate contains minor modifications of the form of certificate included in the declaration heretofore filed as amended; and

Declarants having requested that said Amendment No. 4 be incorporated in the record herein and that, pursuant to Rule U-24 (c) (3) (A), an order be entered by the Commission approving the issuance of said certificates in the form approved by said United States District Court and incorporated in said Amendment No. 4; and

It appearing to the Commission that the modifications in the form of said certificates are not substantial and that the Commission may appropriately approve such modifications and by supplemental order permit the declaration to become effective as amended and supplemented by said Amendment No. 4;

It is hereby ordered, That said Amendment No. 4, containing said form of proposed certificate with modifications as aforesaid, be and is hereby incorporated in the record herein; and

It is further ordered, That the form of certificate contained in said Amendment No. 4 be and is hereby approved as substantially in accordance with the form of certificate heretofore filed, and that said declaration as so amended and supplemented, be and is hereby permitted to become effective, subject however to the conditions contained in Rule U-24.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-8188; Filed, October 31, 1941; 11:29 a. m.]

[File No. 70-343]

IN THE MATTER OF NORTHEASTERN WATER AND ELECTRIC CORPORATION

ORDER CONSENTING TO WITHDRAWAL OF APPLICATION PURSUANT TO REQUEST OF APPLICANT

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 30th day of October, A. D. 1941.

The above-named applicant having filed with the Commission a request for the withdrawal of an application pursuant to Section 10 of the Public Utility Holding Company Act of 1935, regarding the acquisition of 5% First Mortgage Bonds of the following subsidiary companies, the amounts and maturity dates of which are set forth opposite their respective names:

Company	Maturity date	Amount
The Maryland Water Works Co., Bel Air Water & Light Co.[1]	Apr. 1, 1944	$18,900
Eastport Water Co.	Oct. 1, 1944	98,000
Southwest Harbor Water Co.	May 1, 1942	36,000

[1] Underlying issue—The Bel Air Water & Light Co. having become a part of The Maryland Water Works Co. through merger proceedings.

The Commission consents to the withdrawal of such application, and to that effect.

It is so ordered.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-8189; Filed, October 31, 1941; 11:29 a. m.]

[File Nos. 59-17, 59-11]

IN THE MATTER OF THE UNITED LIGHT AND POWER COMPANY, THE UNITED LIGHT AND RAILWAYS COMPANY, AMERICAN LIGHT & TRACTION COMPANY, CONTINENTAL GAS & ELECTRIC CORPORATION, UNITED AMERICAN COMPANY, AND IOWA-NEBRASKA LIGHT AND POWER COMPANY, RESPONDENTS

[File No. 54-25]

THE UNITED LIGHT AND POWER COMPANY, APPLICANT

NOTICE OF FILING OF RESPONDENTS' APPLICATION NO. 4

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 31st day of October, A. D. 1941.

The Commission having previously, by order entered in these proceedings on March 20, 1941, ordered among other things the liquidation and dissolution of The United Light and Power Company and United American Company, and said order having provided that the respondents should make application to the Commission for the entry of such further orders as were necessary or appropriate for that purpose, and the Commission having reserved jurisdiction to enter such further orders as might be necessary or appropriate with respect to other matters in this proceeding;

Notice is hereby given that The United Light and Power Company, The United Light and Railways Company, United American Company and United Power Manufacturing Company have filed on October 30, 1941, an application designated as "Application No. 4" with respect to various proposed transactions hereinafter described:

1. United American Company proposes to transfer all of its assets which consist chiefly of 558,864 shares of common stock, par value $25.00 per share, of American Light & Traction Company and $1,552,000 principal amount of 6% debentures of United Power Manufacturing Company, to The United Light and Railways Company. The assets above described are carried on the books of United American Company at $30,122,970.

2. The United Light and Railways Company proposes to surrender to United American Company for cancellation all of its outstanding stock consisting of 100 shares; and all of the indebtedness of the United American Company to The United Light and Railways Company which is in the form of an open account for cash advanced in the amount of $26,872,970 plus accrued interest at September 30, 1941, in the amount of $557,165.46.

3. Thereafter United American Company will be dissolved in accordance with the laws of the State of Delaware.

4. United Power Manufacturing Company proposes to transfer to The United Light and Railways Company 77,596 shares of $6 preferred stock of American Light & Traction Company in exchange for the surrender by The United Light and Railways Company to United Power Manufacturing Company for cancellation of $1,552,000, principal amount of 6% 20-year debentures, of United Power Manufacturing Company which debentures will be acquired by The United Light and Railways Company upon the liquidation of United American Company, as above described.

Respondents and applicants represent that the purpose of the foregoing transactions, enumerated in paragraphs numbered 1 to 3 above, inclusive, is in furtherance of the Commission's order entered March 20, 1941, requiring that United American Company shall be liquidated and dissolved; and the purpose of transactions described in the paragraph numbered 4 above is to accomplish a preliminary step prior to the liquidation of United Power Manufacturing Company and to eliminate the complexity resulting from the present divided ownership of the preferred and common stock of American Light & Traction Company, now owned within the holding company system. After the transactions proposed above have been consummated, The United Light and Railways Company will own directly all of such preferred and common stock of American Light & Traction Company.

Notice is further given that United Power Manufacturing Company, a subsidiary of The United Light and Railways Company, has requested that it be made a party to this proceeding to the extent necessary to entitle it to join in this application and to secure authority of the Commission in this proceeding to consummate the aforedescribed transactions in which it has an interest.

Notice is further given that any interested person may, not later than November 15, 1941 at 1:00 P. M., E. S. T., request the Commission in writing that the hearing herein be reconvened for the purpose of taking testimony or hearing the parties with respect to said "Application No. 4." Such request shall state the reasons therefor and the nature of the interest of the person making such request. Any person may request that he be notified if the Commission should order said hearing reconvened as aforesaid. At any time thereafter said "Application No. 4," as filed or as amended, may be granted. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

All interested persons are referred to said Application, which is on file in the office of said Commission for a statement of the transactions therein proposed, which are summarized above.

The applicants have requested that an order be entered granting said Application within 15 days after the filing date, or by November 15, 1941.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-8193; Filed, October 31, 1941; 11:48 a. m.]

79
38
2171